

Glenn Goldsmith, President  
A. Nicholas Krupski, Vice President  
Eric Sepenoski  
Liz Gillooly  
Elizabeth Peeples



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**BOARD OF TOWN TRUSTEES**  
**TOWN OF SOUTHOLD**

**Minutes**

**Wednesday, February 16, 2022**

**5:30 PM**

**Present Were:** Glenn Goldsmith, President  
A. Nicholas Krupski, Trustee  
Eric Sepenoski, Trustee  
Liz Gillooly, Trustee  
Elizabeth Peeples, Trustee  
Elizabeth Cantrell, Senior Clerk Typist  
Lori Hulse, Board Counsel

**CALL MEETING TO ORDER**  
**PLEDGE OF ALLEGIANCE**

**TRUSTEE GOLDSMITH:** Good evening, and welcome to our February 16th, 2022 meeting. At this time I would like to call the meeting to order and ask that you please stand for the pledge of allegiance.

**(PLEDGE OF ALLEGIANCE).**

**TRUSTEE GOLDSMITH:** We'll start off tonight's meeting by announcing the people on the dais. To my left we have Trustee Krupski, Trustee Sepenoski, Trustee Gillooly and Trustee Peeples. To my right we have the attorney to the Trustees, Lori Hulse, Senior Clerk Typist Elizabeth Cantrell and Court Stenographer Wayne Galante.

From the Conservation Advisory Council we have Caroline Burghardt. Agendas for tonight's meeting are posted on the Town's website as well as on the podiums out front.

We do have a number of postponements for tonight. On the agenda, on page 17, numbers 26 through 29; on page 18, numbers 30 through 35. And on page 19, number 36 and 37 are postponed.

They are listed as follows:

Number 26, Jeffrey Patanjo on behalf of **SADIK HALIT LEGACY TRUST** requests a Wetland Permit for the as-built bluff stairs consisting of the following: 4'x4' at-grade top landing to an 8,2'x9.5' upper platform to 18'x4' steps down to an 8'x3.8' middle platform to 16'x4' steps down to a 19.4'x10' lower platform to 14.5'x4' steps down to beach; all decking on structure is of untreated lumber.

Located: 2200 Sound Drive, Greenport. SCTM# 1000-33-1-16

Number 27, Sea Tech, LLC on behalf of **BARBARA BODKIN** requests a Wetland Permit to reconstruct in place 125 linear feet of timber/concrete bulkhead with new Navy style vinyl bulkhead; construct two (2) 8' returns; remove and replace existing landward 4.5' wide wood boardwalk, 70sq.ft. over-water wood platform, and retaining walls as required; and to install 30 cubic yards of clean fill from an approved upland source. Located: 610 Bayview Drive, East Marion. SCTM# 1000-37-5-2

Number 28, Cole Environmental Services on behalf of **SCOTT & LEA VITRANO** requests a Wetland Permit to remove existing pier and float; construct a proposed 4'x14' landward ramp leading to a 4'x35' fixed pier with Thru-Flow decking a minimum of 4' above wetlands; a proposed 3'x12' metal ramp; and a 4'x20' floating dock situated in a "T" configuration and secured by two (2) 8" diameter piles. Located: 3875 Main Bayview Road, Southold. SCTM# 1000-78-2-15.1

Number 29, Cole Environmental Services on behalf of **JUSTIN & ALLISON SCHWARTZ** requests a Wetland Permit to construct a proposed 4'x165' fixed pier with open grate decking a minimum of 4' above tidal vegetative grade; a 3'x16' aluminum ramp; a 6'x20' floating dock situated in an "T" configuration; and to install a natural path leading from upland to fixed pier using permeable material. Located: 2793 Cox Neck Road, Mattituck. SCTM# 1000-113-8-7.6

Number 30, Jennifer Wicks on behalf of **D. CANNIZZARO QRPT & B. MILTAKIS QRPT, c/o JOHN MILTAKIS, TRUSTEE** requests a Wetland Permit for the as-built un-treated Trex decking along bulkhead, walkways to the house of various dimensions consisting of 5'2"x36'3", 12'x5', 15'2"x3'7", 5'5"x12', and 45'4"x16'; as-built 16'x44' patio; as-built 3'x16' planter/bench; as-built 5'x10' stone steps; to maintain the walkway in 10' buffer with 1/2" spacing between boards to allow adequate drainage; for the as-built 395.27sq.ft. deck; for a proposed first floor rear addition of 5.75sq.ft.; a proposed second floor garage addition of 779.81sq.ft.; a proposed garage expansion of 113.5sq.ft.; a proposed 120sq.ft. front covered stoop; and a proposed 120sq.ft. first floor front entry addition. Located: 1460 Strohson Road, Cutchogue. SCTM# 1000-103-10-29.1

Number 31, Michael Kimack on behalf of **VASILIS & CHRISTINE FTHENAKIS** requests a Wetland Permit to demolish and remove existing cottage, foundation, wood deck, and walkway at bluff; demolish and remove existing two-story frame house, foundation and associated structures near Nassau Point Road; construct a new foundation, new one-story dwelling with a 2,476sq.ft. footprint; install an on-grade 684sq.ft. stone and/or brick patio; and to remove six (6) trees of varying calipers. Located: 6925 Nassau Point Road, Cutchogue. SCTM# 1000-111-15-9

Number 32, Costello Marine Contracting Corp. on behalf of **JOSEPH & MARY ELLEN LOGIUDICE** request a Wetland Permit to construct a 4'x40' landward ramp onto a 4'x110' fixed dock with a 4'x40' "L" section at seaward end; construct a 4'x40' lower platform with a 5'x4' access platform and a 4'x16' ramp; install

three (3) two-pile dolphins; and proved water and electrical service to dock.

Located: 10995 North Bayview Road, Southold. SCTM# 1000-79-5-20.14

Number 33, Jeffrey Patanjo on behalf of **ANTHONY & BEATRICE**

**FALCONE** requests a Wetland Permit to install a proposed 4'x6' cantilevered platform off of bulkhead; a 30" wide by 14' long aluminum ramp; and a 6'x20' floating dock supported with two (2) 10" diameter CCA piles and situated parallel to the bulkhead.

Located: 405 Williamsberg Road, Southold. SCTM# 1000-78-5-17

Number 34, Costello Marine Contracting Corp. on behalf of **FOUNDERS LANDING BOATYARD, LLC** requests a Wetland Permit for a Ten (10) Year Maintenance Dredge Permit to dredge a 2,400sq.ft. area to -7.0' below mean low water, removing approximately 240 cubic yards of spoil; dredge spoils to be trucked off site to an approved disposal site.

Located: 2700 Hobart Road & 1000 Terry Lane, Southold;  
SCTM#s 1000-64-3-10 & 1000-64-3-11

Number 35, Michael Kimack on behalf of **TIMOTHY J. & GINAMARIE STUMP** requests a Wetland Permit to construct approximately 315 linear feet of hybrid low sill bulkhead; backfill with approximately 100 cubic yards of course clean sand just below lowered sheathings; maintain approximately 2 ½ to 1 slope from top of sloughed bank and then flat to bulkhead; install approximately 3,200sq.ft. of filter fabric over disturbed area and fasten with 8" galvanized pins; plant *Spartina alterniflora* to high water mark and then *Spartina patens* to undisturbed line @ one (1) foot on-center (±3,200 plants).

Located: 2200 Minnehaha Boulevard, Southold. SCTM# 1000-87-3-61

Number 36, Michael Kimack on behalf of **JANICE HILLMAN SHYLES a/k/a JANICE HILLMAN REVOCABLE TRUST** requests a Wetland Permit to construct a 4'x18' walkway with a staircase consisting of three (3) treads and four (4) risers with Thru-Flow decking (72sq.ft.), connected to a 4'x24' fixed dock with Thru-Flow decking (96sq.ft.), 168sq.ft. total; and to install 14 - 8" diameter pilings.

Located: 8340 Main Bayview Road, Southold. SCTM# 1000-87-5-23.2

Number 37, Michael Kimack on behalf of **MARIA H. PILE** requests a Wetland Permit to construct a 36.0'x34.7' (1,249.2sq.ft.) two-story dwelling on foundation in accordance with FEMA standards for a AE zone; and a pervious driveway.

Located: 420 Lake Drive, Southold. SCTM# 1000-59-1-21.2

Those have all been postponed.

Under Town Code Chapter 275-8(c), files were officially closed seven days ago. Submission any of paperwork after that date may result in a delay of the processing of the applications.

## **I. NEXT FIELD INSPECTION:**

TRUSTEE GOLDSMITH: At this time I'll make a motion to have our next field inspection on Wednesday, March 9th, 2022, at 8:00 AM.

TRUSTEE KRUPSKI: Second.  
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

## **II. NEXT TRUSTEE MEETING:**

TRUSTEE GOLDSMITH: I'll make a motion to hold our next Trustee meeting Wednesday, March 16th, 2022, at 5:30 PM at the Town Hall Main Meeting Hall.  
TRUSTEE KRUPSKI: Second.  
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

## **III. WORK SESSIONS:**

TRUSTEE GOLDSMITH: I'll make a motion to hold our next work session, Monday, March 14th, 2022, at 5:00 PM at the Town Hall Annex 2nd floor Executive Board Room; and on Wednesday, March 16th, 2022, at 5:00 PM in the Town Hall Main Meeting Hall.  
TRUSTEE SEPENOSKI: Second.  
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

## **IV. MINUTES:**

TRUSTEE GOLDSMITH: I make a motion to approve the Minutes of the January 19th, 2022, meeting.  
TRUSTEE GILLOOLY: Second.  
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

## **V. MONTHLY REPORT:**

TRUSTEE GOLDSMITH: The Trustees monthly report for January 2022. A check for \$31,203.83 was forwarded to the Supervisor's office for the General Fund.

## **VI. PUBLIC NOTICES:**

TRUSTEE GOLDSMITH: Public Notices are posted on the Town Clerk's Bulletin Board for review.

## **VII. RESOLUTIONS - OTHER:**

TRUSTEE GOLDSMITH: Under Resolutions, Roman numeral VII, Resolutions - Other.

Number 1, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **VINCENT J. MARTORANA**.  
Located: 700 Sound Drive, Greenport. SCTM# 1000-33-4-32

So moved.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, **RESOLVED**, the Board of Trustees of the Town of Southold, pursuant to the State Environmental Quality Review Act, hereby declare itself Lead Agency in regards to the application of **ARTICLE THIRD TRUST UWO JERRY LASTIHENOS FBO MARYANNE DALTON;**

Located: 100 Sound Drive, Greenport. SCTM# 1000-33-4-35.3

So moved.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

### **VIII. STATE ENVIRONMENTAL QUALITY REVIEWS:**

TRUSTEE GOLDSMITH: Under Roman numeral VIII, State Environmental Quality Reviews, **RESOLVED** that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section XIV Public Hearings Section of the Trustee agenda dated Wednesday, February 16, 2022 are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA, as written:

Catherine Cahill SCTM# 1000-52-5-23

Levent Temiz SCTM# 1000-44-2-3

Kathleen Knapp SCTM# 1000-145-4-4

Gardiners Bay Estates Homeowners Association, Inc.

SCTM# 1000-37-4-17

Peconic Land Trust SCTM# 1000-79-5-20.12

Areti Lavallo SCTM# 1000-15-3-7

Sand Lennox, LLC SCTM# 1000-68-3-1

Roger Siejka SCTM# 1000-115-6-22

POE Boat Storage, LLC, c/o William Lieblein

SCTM# 1000-65-4-13.3 & 14

9450 Main Bayview, LLC SCTM# 1000-87-5-22

Albert W. Selden, Jr. & Christian Rasmussen SCTM# 1000-97-7-1

Philip & Lia Chasen SCTM# 1000-55-7-3

Peter J. Maltese & Madeline Joyce Covello SCTM# 1000-34-4-13

Gayle Marriner-Smith & Christopher F. Smith SCTM# 1000-121-3-8

JALC Expeditions, LLC, c/o Joshua Ho-Walker & Lillian

Goldenthal, Members SCTM# 1000-50-1-6

Pants View, LLC, c/o Anthony Bonsignore, Manager SCTM# 1000-50-1-21

Alexandra Fox Stern 1997 Trust, c/o Jolyon F. Stern, Trustee

SCTM# 1000-40-1-14

North Fork Project, LLC SCTM# 1000-106-6-3

TRUSTEE GOLDSMITH: So moved.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section XIV Public Hearings Section of the Trustee agenda dated Wednesday, February 16, 2022, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations:

Vincent J. Martorana SCTM# 1000-33-4-32  
Article Third Trust UWO Jerry Lastihenos FBO Maryanne Dalton  
SCTM# 1000-33-4-35.3

At written. So moved.

TRUSTEE PEEPLES: Second

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

#### **IX. ENVIRONMENTAL DECLARATION OF SIGNIFICANCE PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT NYCCR PART 617:**

TRUSTEE GOLDSMITH: Under Roman numeral IX, Number 1, **DESCRIPTION OF ACTION:** L.K. McLean Associates on behalf of **VINCENT J. MARTORANA** requests a Wetland Permit and a Coastal Erosion Permit to install a stone revetment at the base of the slope on the north side approximately 58' long along the base of the slope and 10.5' deep; the toe of the revetment will be located at elevation 6.5'± (NAVD88) and will consist of a 1.5' thick layer of W50=500lb. Bedding stone (approximately 57± cubic yards) and two (2) layers of three (3) ton heavy armor stone (approx. 135± cubic yards) at a 2H to 1V slope up to an elevation of approximately 11.0'± (NAVD88); the existing bedding stone will be underlain with geotextile filter fabric; the stone revetment will span over an area of approx. 388sq.ft.; to further stabilize the existing slope it is proposed to fill in existing voids on the slope with clean selected fill, suitable on-site material that was excavated within the footprint of the stone revetment and material that was recovered at the toe of the slope; the existing voids caused by erosion are being filled to create a constant slope of 1.5H to 1V maximum to reach the top of the eroded area at elevation 26.0'± (NAVD88); approx. 120 cubic yards of fill placed over a 545± sq.ft. area; revegetate area with native wetland vegetation as well as evenly spaced 16" diameter bio-fiber rolls to further stabilize the slope landward of the revetment; there will be no excavation or fill placed seaward of the proposed stone revetment, below A.P.H.W. (EL. 2.24'±) or S.P.H.W. (EL. 3.24'±); to avoid heavy stormwater runoff/point discharge onto the slope and provide storage prior to the crest of the slope, construct a berm along the tree line in the backyard of the property using select fill planted with topsail and hydro-seed with the top of the berm to be at elevation 55.50 (NAVD88); the slope on the berm shall be no shallower than on a 10H to 1V and not steeper than 4H to 1V; on the southern portion near the toe of the slope is an eroded area, to stabilize this area install a 3'x3'x9' gabion basket followed by a proposed soldier pile and lagging wall consisting of steel H-Piles and 4"x8" Greenheart timber sheeting; approximately 6.2'± of the slope above the proposed soldier pile and lagging wall will be replanted with native wetland vegetation and a permanent erosion control mat.

Located: 700 Sound Drive, Greenport. SCTM# 1000-33-4-32

**S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:**

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on February 8, 2022, and having considered the survey of property by L.K. McLean Associates, P.C. dated October 12, 2021, and having considered the plans for this proposed project submitted by L.K. McLean Associates, P.C. dated December 2021 at the Trustee's February 14, 2022 work session; and

WHEREAS, on February 16, 2022 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and

WHEREAS, on February 16, 2022 the Southold Town Board of Trustees classified the application as an unlisted action under S.E.Q.R.A.; and

WHEREAS, in reviewing project plans submitted by L.K. McLean Associates, P.C. dated December 2021 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bluff alone.
- Protection of the toe of bluff using hardened structures including rock revetment is necessary.
- No existing rocks or boulders are to be utilized, moved, or relocated on the beach.
- As time progresses, continued soil loss at the toe of the bluff may lead to habitat degradation and bluff instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bluff stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

So moved.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Number 2. **DESCRIPTION OF ACTION:** L.K. McLean Associates on behalf of **ARTICLE THIRD TRUST UWO JERRY LASTIHENOS FBO MARYANNE DALTON** requests a Wetland Permit and a Coastal Erosion Permit to install a new stone revetment at the base of the slope on the north side approximately 58' long along the base of the slope and 10.5' deep; the toe of the revetment will be located at elevation 6.5'± (NAVD88) and will consist of a 1.5' thick layer of W50=500lb. Bedding stone (approximately 57± cubic yards) and two (2) layers of three (3) ton heavy armor stone (approx. 135± cubic yards) at a 2H to 1V slope up to an elevation of approximately 11.0'± (NAVD88); the existing bedding stone will be underlain with geotextile filter fabric; the stone revetment will span over an area of approx. 388sq.ft.; to further stabilize the existing slope it is proposed to fill in existing voids on the slope with clean selected fill, suitable on-site material that was excavated within the footprint of the stone revetment and material that was recovered at the toe of the slope; the existing voids caused by erosion are being filled to create a constant slope of 1.5H to 1V maximum to reach the top of the eroded area at elevation 26.0'± (NAVD88); approx. 120 cubic yards of fill placed over a 545± sq.ft. area; revegetate area with native wetland vegetation as well as evenly spaced 16" diameter bio-fiber rolls to further stabilize the slope landward of the

revetment; there will be no excavation or fill placed seaward of the proposed stone revetment, below A.P.H.W. (EL. 2.24'±) or S.P.H.W. (EL. 3.24'±).  
Located: 100 Sound Drive, Greenport. SCTM# 1000-33-4-35.3

#### **S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:**

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on February 8, 2022, and having considered the survey of property by L.K. McLean Associates, P.C. dated October 12, 2021, and having considered the plans for this proposed project submitted by L.K. McLean Associates, P.C. dated December 2021 at the Trustee's February 14, 2022 work session; and  
WHEREAS, on February 16, 2022 the Southold Town Board of Trustees declared itself Lead Agency pursuant to S.E.Q.R.A.; and  
WHEREAS, on February 16, 2022 the Southold Town Board of Trustees classified the application as an unlisted action under S.E.Q.R.A.; and  
WHEREAS, in reviewing project plans submitted by L.K. McLean Associates, P.C. dated December 2021 it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Vegetative, non-structural measures are not capable of stabilizing the erosion of the bluff alone.
- Protection of the toe of bluff using hardened structures including rock revetment is necessary.
- No existing rocks or boulders are to be utilized, moved, or relocated on the beach.
- As time progresses, continued soil loss at the toe of the bluff may lead to habitat degradation and bluff instability.
- A site inspection by the Southold Town Board of Trustees recognized erosion on this property and the need for a bluff stabilization/erosion control plan.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

So moved.

TRUSTEE KRUPSKI: Second

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **XI. RESOLUTIONS - EMERGENCY PERMITS:**

TRUSTEE GOLDSMITH: Under Roman numeral XI, Resolutions - Emergency Permits.

Number 1, The **TOWN OF SOUTHOLD** requests an Emergency Permit to replenish sand at Town Beach that was lost due to winter storms by using approximately 200 cubic yards of clean spoils from dredging being performed at Cross Sound Ferry.

Located: 53005 County Road 48, Southold. SCTM# 1000-51-5-1

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **XII. RESOLUTIONS - ADMINISTRATIVE PERMITS:**

TRUSTEE GOLDSMITH: Under Roman numeral XII, Resolutions - Administrative



Permits, number 1, **STEIN SEA FARMS LLC** requests an Administrative Permit for as-built repair/replacement of concrete apron/barrier along south exterior wall, 34"x84' (238sq.ft.)

Located: 900 First Street, New Suffolk. SCTM# 1000-117-8-17.

I make a motion to approve this application.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **X. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:**

TRUSTEE GOLDSMITH: Roman numeral X, Applications for Extensions, Transfers and Administrative Amendments.

In order to simplify our meeting, the Trustees regularly group together applications that are similar or minor in nature.

As such, I make a motion to approve as a group items 1 through 4. They are listed as follows:

Number 1, Samuels & Steelman Architects on behalf of **JONATHAN BABKOW & MARIA RUBIN** requests the Last One (1) Year Extension to Wetland Permit #9388, as issued on February 13, 2019.

Located: 360 Private Road #8, East Marion. SCTM# 1000-23-1-18.1

Number 2, En-Consultants on behalf of **DAVID GRESHAM** and **BENJAMIN PARDO** requests a Transfer of Wetland Permit #9764 from Abby Tannenbaum to David Gresham and Benjamin Pardo, as issued on November 18, 2020 and Amended on March 18, 2021.

Located: 435 Narrow River Road, Orient. SCTM# 1000-26-3-10

Number 3, Michael Chuisano on behalf of **KENDALL TODD** requests an Administrative Amendment to Wetland Permit #9503 for a 24"wx30"hx48"l generator to be installed on a 30"x54" concrete pad.

Located: 670 Bayview Drive, East Marion. SCTM# 1000-37-5-3

Number 4, Louis Caglianone on behalf of **DARCY GAZZA** requests an Administrative Amendment to Wetland Permit #10007 for construction of a 4'x32' ramp up from grade to a 4'x40' fixed catwalk to a 4'x24' ramp down to a 4'x32' fixed catwalk leading to a 4'x14' ramp down to a 4'x20' fixed "T" dock, in lieu of the previously permitted.

Located: 1500 Beebe Drive, Cutchogue. SCTM# 1000-103-3-4

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **XIII. MOORINGS/STAKE & PULLEY SYSTEMS:**

TRUSTEE GOLDSMITH: Roman numeral XIII, Moorings/Stake & Pulley Systems, number 1, **ROBERT SHELTON** requests a Mooring Permit for a mooring in Haywaters Creek for an 18' motor boat, replacing Mooring #4. Access: Public

I'll make a motion to approve this application as submitted.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

#### **XIV. PUBLIC HEARINGS:**

TRUSTEE GOLDSMITH: At this time I'll make a motion to go off our regular meeting agenda and enter into public hearings.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: This is a public hearing in the matter of the following applications for permits under the Wetlands Ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public. Please keep your comments brief, five minutes or less if possible.

#### **AMENDMENTS:**

Number 1, Suffolk Environmental Consulting on behalf of **CATHERINE CAHILL** requests an Amendment to Wetland Permit #9994 to demolish existing dwelling (project meets Town Code definition of demolition) and construct additions to the northerly corner of the existing dwelling (416sq.ft.), easterly corner (138sq.ft.), southerly corner (140sq.ft.), and second floor (345sq.ft.); construct a proposed portico to the landward face of the existing dwelling (193sq.ft.); remove and reconstruct the existing seaward deck in-place; construct a second floor deck (186sq.ft.), above the existing seaward concrete platform; replace asphalt driveway with gravel; install an IA/OWTS septic system; construct a porch along the landward side of the existing dwelling (194sq.ft.); and to establish and perpetually maintain a 10' wide non-turf buffer landward of the existing bulkhead thereon and landward of the tidal wetland boundary thereon.

Located: 495 Bayview Avenue, Southold. SCTM# 1000-52-5-23

The Trustees most recently conducted a field inspection February 8th, 2022, noting this is straightforward.

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application.

Is there anyone here wishing to speak regarding this application?

MS. CANTRELL: Robert Anderson on Zoom. Robert, if you want to un-mute yourself and speak to the Board, but I first have to ask you if you consent on conducting the public hearing virtually by Zoom.

MR. ANDERSON: Robert Anderson, Suffolk Environmental Consulting on behalf of the applicant. I'm here to answer any questions the Board has regarding this project

MS. CANTRELL: Robert, can you answer the question first if you consent?

MR. ANDERSON: It's spotty on my end. I didn't understand the question.

MS. CANTRELL: Do you consent to conducting the public hearing via Zoom?

MR. ANDERSON: Yes.

MS. CANTRELL: Thank you.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

(Negative response).

TRUSTEE GOLDSMITH: Any questions or comments from the Board?

(Negative response).

TRUSTEE GOLDSMITH: Hearing none, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

I'll make a motion to approve this application as submitted.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 2, **SAMUEL J. DIMEGLIO, JR.** requests an Amendment to Wetland Permit #9454 for the as-built water side Trex-type deck with ¼" spacing in lieu of Thru-Flow decking/open grate deck; as-built 5'x9.2' wood staircase on west side of property; as-built water side Trex-type 7.5'x10' staircase to ground; as-built front entry 6'x5' roof-over platform with 5.3'x4.6' stairs to ground; and to revegetate the 50' wide non-disturbance buffer by planting 3" caliper trees and other vegetation. Located: 2280 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-6

The Trustees most recently reviewed this application on the 8th of February, and noted this was discussed further at work session. Prior to that, a month prior, we discussed delineating the edge of the 50-foot non-disturbance buffer and reviewed the new planting plan.

I'm in receipt of a new planting plan in the file as well as a new description.

The LWRP coordinator found this to be inconsistent, due to the fact that this is an as-built structure and clearing the 50-foot wide non-disturbance buffer was constructed without Board of Trustee review or permit. Note that the 50-foot wide non-disturbance buffer is also a non-fertilization buffer shown on the 2006 approved plans for purposes of protecting the water quality of Deep Hole Creek.

The Conservation Advisory Council resolved not to support the application. The CAC did not support the application with the as-built materials on the structures. It is recommended that the structures be reconstructed as originally authorized.

Is there anyone here that wishes to speak regarding this application?

MR. DIMEGLIO: If I may, Samuel J. DiMeglio, Jr.

I submitted, I had Ian Zuhoski, Coastal Plantings, submit the revegetation plan as per the prior request at the public hearing last month. That was the only item I was told that was of concern to the Board.

There will be no -- there will be natural vegetation placed to replace the dead whatever was taken out, dead weeds, whatever was taken out. And then the reforestation plan, I believe, is consistent with the area. In fact most of my neighbors have bright green lawns. I don't intend to fertilize. I intend to comply with the request of the Board.

However, the materials that were placed on the deck, the tremendous cost involved in replacing that is insurmountable. I

have complied with other code-compliant materials. I have complied, understanding that there is quarter-inch spacing for water to go through. There is no vegetation that needs to be protected underneath the decking, okay. There's rocks there. Every material I placed in the area, not including -- including the no-disturbance zone and along the perimeter is all non-fertilizer dependent. I understand the ramifications of nitrogen, trust me, I'm a fisherman, okay. Everything else is porous around the perimeter of the premises. I know the Board was there a few months ago. As far as the other agencies declining the materials, materials were hard to get, number one. Number two is the original material, thru-flow decking that was originally approved, is not safe. And in fact it's non-buildable. The beams were put on 12-feet on center. Which is more than the required code, which is 16-feet on center.

The materials that were previously approved were for boards that were thru-flow decking, which I did put on the dock. The materials that were on the deck, number one, are not safe. They are not sturdy enough to hold, I believe, to hold the weight on that area. Plus they were built, the decking materials that you order from, I think Port Lumber -- I did all the research on this, guys --

TRUSTEE KRUPSKI: We discussed this with you at site visit. We are aware. Thank you.

MR. DIMEGLIO: All right. Anything else you need from me?

TRUSTEE KRUPSKI: I don't believe so. I think the new description and the new plan, site plan in the file speaks for itself.

Is there anyone else here that wishes to speak regarding this application? Or any additional comments from the Board?

Hearing no additional comments, I make a motion to close the hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the new plans stamped received in the office January 28th, 2022, and the new amendment to the description, which I'll read now:

Seeking approval for the as-built waterside Trex-type deck with 1/4 inch spacing in lieu of thru-flow decking/open grate; existing 5'x9.2' wood staircase on west side of subject property; existing on waterside Trex-type staircase 7.5'x10' to ground below; existing front platform 6'x5' with stairs 5.3'x4' to ground below; approval of landscape plan for existing three-inch caliper trees and other vegetation in designated 50-foot wide non-disturbance buffer area.

Also within my motion for approval is that the 50-foot non-disturbance buffer be non-fertilized, and that irrigation installed for propagation is removed after everything is established, thereby bringing it into consistency with the LWRP

coordinator.

TRUSTEE GOLDSMITH: Second. All in favor?  
(ALL AYES).

### **WETLAND & COASTAL EROSION PERMITS:**

TRUSTEE GOLDSMITH: Number 1, under Wetland & Coastal Erosion Permits, **SHEENA ACHARYA & ADRIAN SAPOLLNIK** request a Wetland Permit and a Coastal Erosion Hazard Permit to raise the approximately 100 linear foot long top retaining wall by 12 inches using two six (6) inch railroad ties; remove and replace existing timber railing with 36-inch high cable and wood railing above the proposed raised top retaining wall; new proposed railing will consist of 86' of railing and a 4' wide, 48" high gate followed by 10' of railing; remove and replace existing east side returns along eastern property line and extend to approximately 40' with railroad ties keeping the line with the proposed raised top retaining wall; remove one dead tree from eastern side of property; install a dry laid gravel pathway from the front of the property to the existing back patio on the eastern side of property; remove existing asphalt semi-circular driveway; install a proposed 24' wide driveway from the existing shed to the roadside and line using pavers; install a 4' wide masonry walkway at grade level from the proposed driveway to front entrance to dwelling; install a 5'x10' front masonry patio at grade level in front of the west side sliding doors; install dry-laid stepping stones from the proposed front patio to the proposed southwest corner patio and existing back patio; install a 5'x8' masonry patio at grade level on the southwest corner of the dwelling; remove and replace existing 62'x28' wave shaped masonry back patio at grade level with rectangular shaped patio using similar type of material and at grade level; remove and replace existing 75' side returns along the west side of property line using railroad ties keeping in line with the proposed raised top retaining wall.

Located: 645 Glen Court, Cutchogue. SCTM# 1000-83-1-7.

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to not support the application. The majority of the proposed work has already been completed and should be applied for as an as-built.

The Conservation Advisory Council questions the permeability of the large patio and walkway. Drywells should be installed to contain any runoff from the non-permeable areas.

The Trustees most recently conducted an in-house review on this on February 8th, 2022, where we reviewed the new revised plans that showed the ten-foot non-turf buffer at the top of the retaining wall, which we had asked for in last month's meeting.

Is there anyone here wishing to speak regarding this application.

MS. CANTRELL: Jeff Patanjo is present and we have also Ms. Acharya.

So, Jeff, since you raised your hand first, I'll allow you to talk first. If you want to un-mute yourself.

MR. PATANJO: Good evening. Jeff Patanjo, on behalf of the applicant. I have the new plans as revised based on the comments that were addressed at last month's public hearing. And if there are any other questions, I would be happy to answer them.

MS. CANTRELL: Jeff, I have to ask you, this is a new question.

I have to ask if you consent to conducting the public hearing virtually via Zoom.

MR PATANJO: Yes, I do consent.

MS. CANTRELL: Thank you.

TRUSTEE GOLDSMITH: Anyone else here wishing to speak regarding this application?

MS. CANTRELL: She was on but she lowered her hand.

TRUSTEE GOLDSMITH: Any questions or comments from the Board?  
(Negative response).

TRUSTEE GOLDSMITH: Hearing none, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the new plans received February 3rd, 2022, that show the ten-foot wide non-turf buffer.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 2, Patricia Moore, Esq. on behalf of **LEVENT TEMIZ** requests a Wetland Permit and a Coastal Erosion Permit for the existing (2,317sq.ft.) two-story dwelling with attached garage and to construct a new 155sq.ft. addition onto the center of the dwelling on the seaward side with a second-floor terrace above; for the existing 11.4'x4.1' storage room under existing stairs on west side of dwelling; existing 927sq.ft. swimming pool; for the existing 90' of pool fencing along seaward side of deck, 75' along east side, and 75' along west side with 15' to the dwelling with gates; existing decking around and seaward of pool is in part above grade and at grade and is to be modified by resurfacing the 830sq.ft. Seaward portion of decking with existing structure to remain undisturbed, and existing portion of deck around pool is being replace with a 2,302 stone patio on granular base and permeable joints on grade which includes a 4' expansion on the west side of patio; expand existing 81sq.ft. wood deck on westerly side of dwelling an additional 195sq.ft. for a total 276sq.ft. and install a 7'10"x9'2" hot tub on deck; resurface existing 42sq.ft. easterly side deck; and for the existing 70sq.ft. landing leading to 4'x20' stairs to beach.

Located: 57305 County Road 48, Greenport. SCTM# 1000-44-2-3

The Trustees most recently visited the site on 8th of February, and noted we wanted to review the location of the hot tub, check location of CEHA line and consider pulling back behind CEHA line. Also there should be a discussion about the drainage with the new patio going in.

The LWRP coordinator found this to be both consistent and inconsistent. The existing wood deck and fence to be resurfaced is recommended to be inconsistent with the LWRP. Specifically, portions of the wood deck and wood bench to be resurfaced are located seaward of the coastal erosion hazard line.

The construction of non-movable structures or placement of major non-movable additions to an existing structure is prohibited in the structure hazard area.

The Conservation Advisory Council resolved to not support

the application. The Conservation Advisory Council did not support the application because a portion of the deck located within the CEHA. The beach stairs should have removable or retractable stairs at the base, and Conservation Advisory Council questions the maintenance of the deck being exempt from CEHA.

Is there anyone here that wishes to speak regarding this application?

MS. MOORE: Yes. Good evening. Patricia Moore, on behalf of the applicant. Just to give you a little bit of background.

Everything on this property has COs. So everything is legal. The client wants to repair a small part of it and in fact we went to the Zoning Board because of the pre-existing setbacks. We had to go to the Zoning Board just for the small deck that has the hot tub, I think that was it, maybe something else. But it was very minor.

I brought the survey because think maybe you didn't catch it with the paperwork that was submitted, but you have this in your file. I have a survey. I actually highlighted the coastal erosion hazard line so you can see where it is.

The hot tub is landward of the pool and way back by the house, so I don't know if, in the field --

TRUSTEE KRUPSKI: We did --

MS. MOORE: It was resolved. Okay, great. Then I don't have to deal with that.

Did you also see the drainage that was on the plans?

TRUSTEE PEEPLES: We saw that, too.

MS. MOORE: Okay, good. I'll address any issues with that.

With respect to the LWRP comments and Conservation Advisory Council comments, that was the same response that he submitted to the Zoning Board application. So as part of the Zoning Board process, I submitted to the Board a written statement. The first part of it deals with zoning variances, but the second part, which I turn to, is in response to LWRP. And the most important thing here is that this, the re-surfacing of existing structures is specifically permitted under the LWRP as minor action.

In addition, it's also under the coastal erosion law, structures, which in this case has a CO. Normal maintenance is also permitted, permitted under the coastal erosion management law.

So his issue, it's fine, well taken, but these, again, as I said, these are all CO'd structures. We actually had the lot coverage of the property with all the decking was, I want to say it was like almost 19% lot coverage. We actually, by removing a lot of the decking, we went down to 12.9% lot coverage. It was a huge improvement on the property. It's going to be with pavers. The decking that is around the pool is going to be pavers rather than wood decking. On the sides you see, and when you went to the property, you also saw, it has, the drainage is done in part with beach stone on the side and mature plantings that have grown over the years, Montauk daisies and other salt-tolerant species within the drainage area, and we added, as

you can see, the drywell and the French drain system, which the architect consulted with Dave Chicanowicz, I don't know if he's here or not, but to get input on the best way to handle the drainage on this so as to not disturb the plantings and what has already been established there.

So the plan was really considered very carefully. I'll submit to the Board the write-up that was submitted to the Zoning Board. Do you want one for your file?

TRUSTEE GILLOOLY: Sure

TRUSTEE SEPENOSKI: I'll take one.

MS. MOORE: So I turned to the page, because the first part of it is dealing with Zoning Board issues, but this was submitting the issues -- I have one left. I knew this was going to happen because LWRP used the same response whether it's Zoning Board or Trustees. So I dealt with that issue, as I said, with the Zoning Board and then again here with the Trustees.

I'll address any questions you might have. We can't put the hot tub anywhere else. That is the most landward location for the hot tub. And as I said, it's all landward of the swimming pool. So I'm hoping you'll find that to be very reasonable request.

If you have any questions.

TRUSTEE KRUPSKI: Several. So you are proposing that the patio around the pool will be permeable?

MS. MOORE: Yes, what is a wood deck now will be permeable pavers

TRUSTEE KRUPSKI: What is permeable pavers? Is it, I don't know if you want to go the permeable route, because a paver on sand is, under the Town's drainage code, is not permeable.

MS. MOORE: How about we say more permeable. Because it's not cement, it is done on sand, and it is still capturing the water runoff. So I think according to the DEC there is only one material that they consider permeable. I have not seen the specs for it. I only what it's called. I can't remember what it's called. But I, the plan here is to make it a more esthetically pleasing design. So --

TRUSTEE KRUPSKI: That's fair enough for the esthetics, but we definitely have to remove the term "permeable".

MS. MOORE: Well, it says "permeable joints". That's what the specs call for. Well, because the architect, you know, accurately described the stone as non-permeable. But the joints And what it's sitting on is.

TRUSTEE KRUPSKI: So my understanding of the deck on the most seaward side of this is not a Trustee permit. It just has a C of O?

MS. MOORE: Correct. This all predates the Trustees. The Trustees had no jurisdiction at the time.

TRUSTEE KRUPSKI: Do you have any evidence of that at this time? That it was constructed before?

MS. MOORE: Yes. I mean, look at the C of O. Yes. I attached the CO and the plans, and if you look at aerial maps and you go to 1984, whenever it was done, you'll see the identical structure. Nothing has changed. I specifically looked back.



TRUSTEE KRUPSKI: Do you have that aerial?

MS. MOORE: I don't know. I can provide it. Let me see if I have one, if I printed it. But I gave the certificates of occupancy, and again, the Zoning Board is an arm of the town. It's a quasi-judicial board.

Are you listening?

(Affirmative response).

The Zoning Board is a quasi-judicial board. They also in their findings stated this had a C of O and when it was built -- let me see what I have. '86. The in-ground pool and deck was done in 1986. And they had various drawings that they did. The architect did multiple submissions. I can e-mail it to you if you would like. But the Zoning Board did make those findings in their record, so. This Board listens to another board as well. Here is the one I was looking for. I only have one, I apologize. I didn't know you were going to be asking.

This is the CO from 1986. This is the drawing that was attached to that. There is also, as I said, there is multiple if you go back to the Town's aerial, it's all there, in very clear photographs.

TRUSTEE KRUPSKI: It would probably be helpful to look at them.

MS. MOORE: Again, I hate to delay this when the Zoning Board already made those findings as part of an official record of the Town.

TRUSTEE KRUPSKI: I guess my other issue with this would be I do not have a square footage for that wood deck on the seaward side of the CEHA line.

MS. MOORE: Yes, I did provide it.

TRUSTEE KRUPSKI: So it's not really clear to me in your plans.

MS. MOORE: That was specifically requested. Ms. Cantrell is extremely competent. She quizzed me on it. So I know, let's see.

TRUSTEE GILLOOLY: On Google Earth it doesn't show. 1985 is too blurry. The first picture we have is '94.

MS. MOORE: No, well '94 it would definitely be there.

MS. CANTRELL: Can you see it?

TRUSTEE KRUPSKI: What year is that?

MS. CANTRELL: '94. The earliest is a big ball of fuzz.

MS. MOORE: I can actually, for future reference, if you would like, the Suffolk County GIS program, if you look at Suffolk County GIS, they have historic aerals. They definitely go back to '81 or '80s. They have some that go back to the 70s. The 60s are very fuzzy, and after that they profess to have earlier, but it's a big map.

TRUSTEE KRUPSKI: That would be helpful for the file, though. Something.

MS. MOORE: I mean, I can provide it to you at a later date.

Again, I don't want to delay something for --

TRUSTEE KRUPSKI: So, beyond that, my issue is, I don't have a specific square footage for the, that deck on the CEHA line. So I mean, as you know --

MS. MOORE: Are you sure it's not there?

TRUSTEE KRUPSKI: It's possible that I missed that.

MS. MOORE: Because that's something I expected you to ask.

TRUSTEE KRUPSKI: Yes. So I have a total square footage, but I don't have a square footage to include the CEHA line.

TRUSTEE GOLDSMITH: The architectural drawings does not show the CEHA line.

MS. MOORE: Yes, I know that. Yes, I realize that, because I went to the survey, I said, oh, it's on the survey.

TRUSTEE KRUPSKI: So that's not something that, under Chapter 111, we could move forward with.

MS. MOORE: Well, I'm -- I thought it was there.

TRUSTEE KRUPSKI: I looked in the file. I mean it's certainly not on the site plan or the drawing.

MS. MOORE: I mean it's the existing deck to remain, but can I tell you the exact square footage, not without the architect.

Is Vincent on your -- I asked him to join if he could. I think he was traveling, so I don't know that he would have that.

MS. CANTRELL: What company is he from?

TRUSTEE KRUPSKI: At this point, the past practice of the Board is if something is not compliant with Chapter 111, the Board would have to deny the Chapter 111 portion.

MS. MOORE: No, I don't want you to deny it because --

TRUSTEE KRUPSKI: In which case you can go before the Town Board and appeal.

MS. MOORE: Let's start -- we have an existing structure. It has a CO. I have given you proof that all we are doing is maintaining the existing structure. That is a permitted act under the Coastal Erosion. What you asked me is what is the square footage of the decking, that, just that portion that is within the Coastal Erosion. I thought it was here but I'm not finding it immediately. I can get you that number. But it doesn't warrant a denial and certainly doesn't warrant an appeal because the law itself gives us the right to have that and keep it.

So I would strenuously object that, you know, I think you have to follow what the Coastal Erosion law is.

TRUSTEE KRUPSKI: We certainly do.

MS. HULSE: But you don't know that the size is unregulated, due to the fact that you don't know the size of that platform, correct? If your argument is that it falls under "unregulated" definition --

MS. MOORE: No, it falls under "maintenance". So regardless of the size of it, it doesn't have to be under 200 square feet, which is the other provision the Board always relies on. The existing structure is a maintenance structure. So if you want to know what size it is, I can get you the square footage. I don't have it immediately on hand. It's not, the portion that is over the coastal erosion line is, a small portion of it is a triangle. Part of it, as a matter of fact, the deck portion is being replaced with --

MS. HULSE: If a small portion falls into the coastal erosion then the whole structure needs to be examined to the extent that

you are making that argument that it's simple maintenance and outside of the Chapter 111.

MS. MOORE: Correct. The wood deck, which is existing, is the portion that is maintenance. The portion that was a wood deck, that is being converted to stone is outside the coastal erosion. There is a triangle that is overlapping, which we are removing decking and just replacing it with the stone and drainage. That is the only portion that is, I want to say, that area is definitely under 200 square foot as a triangle.

TRUSTEE KRUPSKI: Again, I can't look at these plans and say that. That's impossible. I mean I have it right in front of me.

MS. MOORE: So this little triangle is the triangle that was wood, and it's going to be stone.

TRUSTEE KRUPSKI: What about the rest of the wooden deck?  
Is that --

MS. MOORE: This is existing wood deck, above grade, to be re-surfaced. Existing structure to remain undisturbed. So.

TRUSTEE KRUPSKI: I still need to know how much the square footage of both those items that are outside of the lot.

MS. MOORE: This area and this area.

TRUSTEE KRUPSKI: Everything that is outside of the line.

MS. MOORE: Okay. I'll have to get you a copy of the square footage. But I'm not saying it warrants a denial for an appeal.

I'm saying, what you are telling me is you can't act on it tonight

.TRUSTEE KRUPSKI: I was laying it out as an option for you. And I would strongly suggest an aerial.

MS. MOORE: Oh, I can get that for you. That's not a problem.

TRUSTEE KRUPSKI: At this time do you wish to table the application for submission of new material?

MS. MOORE: Because you force me to, yes. Yes, I will postpone to get those two dimensions.

TRUSTEE KRUPSKI: Thank you. I make a motion to table the application.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

MS. MOORE: I'm just asking as a courtesy, because if you ask for these things prior to the meeting, I can come with the answers with me. It would have been easily obtained. I didn't know that the plans, you would have a question, so.

TRUSTEE KRUPSKI: I mean, right, I mean the public hearing is over, but typically we need dimensions on everything submitted.

MS. MOORE: I gave you dimensions on everything, but if the square footage, and you are asking for a specific part of it, so. And I'll get that. I'll get that.

TRUSTEE KRUPSKI: Thank you.

MS. MOORE: You're welcome. Thank you.

TRUSTEE GOLDSMITH: Number 3, L.K. McLean Associates on behalf of **VINCENT J. MARTORANA** requests a Wetland Permit and a Coastal Erosion Permit to install a stone revetment at the base of the

slope on the north side approximately 58' long along the base of the slope and 10.5' deep; the toe of the revetment will be located at elevation 6.5'± (NAVD88) and will consist of a 1.5' thick layer of W50=500lb. Bedding stone (approximately 57± cubic yards) and two (2) layers of three (3) ton heavy armor stone (approx. 135± cubic yards) at a 2H to 1V slope up to an elevation of approximately 11.0'± (NAVD88); the existing bedding stone will be underlain with geotextile filter fabric; the stone revetment will span over an area of approx. 388sq.ft.; to further stabilize the existing slope it is proposed to fill in existing voids on the slope with clean selected fill, suitable on-site material that was excavated within the footprint of the stone revetment and material that was recovered at the toe of the slope; the existing voids caused by erosion are being filled to create a constant slope of 1.5H to 1V maximum to reach the top of the eroded area at elevation 26.0'± (NAVD88); approx. 120 cubic yards of fill placed over a 545± sq.ft. Area; revegetate area with native wetland vegetation as well as evenly spaced 16" diameter bio-fiber rolls to further stabilize the slope landward of the revetment; there will be no excavation or fill placed seaward of the proposed stone revetment, below A.P.H.W. (EL. 2.24'±) or S.P.H.W. (EL. 3.24'±); to avoid heavy stormwater runoff/point discharge onto the slope and provide storage prior to the crest of the slope, construct a berm along the tree line in the backyard of the property using select fill planted with topsail and hydro-seed with the top of the berm to be at elevation 55.50 (NAVD88); the slope on the berm shall be no shallower than on a 10H to 1V and not steeper than 4H to 1V; on the southern portion near the toe of the slope is an eroded area, to stabilize this area install a 3'x3'x9' gabion basket followed by a proposed soldier pile and lagging wall consisting of steel H-Piles and 4"x8" Greenheart timber sheeting; approximately 6.2'± of the slope above the proposed soldier pile and lagging wall will be replanted with native wetland vegetation and a permanent erosion control mat.

Located: 700 Sound Drive, Greenport. SCTM# 1000-33-4-32

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application. Supports the application for as-built structures and recommends the cedar tree located near the top of the bluff remains in place if possible.

The Trustees conducted a field inspection February 8th, 2022, noting to question the presence of a bunch of orange ribbons on the bluff; questioned the access to the proposed site; no use of existing rock boulders that are on the beach; no bluff cut; and indicate the size and depth of the berm at the top of the bluff.

Is there anyone here who wishes to speak regarding this application?

(No response).

Any questions or comments from the Board?

(No response).

I note that we did receive new plans stamped received February 15th, 2022, that do show a non-turf buffer at the top of the bluff, including the vegetated buffer with a proposed berm.

Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application as submitted, with the new plans stamped received February 15th, 2022, that show the buffer at the top of the bluff.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 4, L.K. McLean Associates on behalf of **ARTICLE THIRD TRUST UWO JERRY LASTIHENOS FBO MARYANNE DALTON** requests a Wetland Permit and a Coastal Erosion Permit to install a new stone revetment at the base of the slope on the north side approximately 58' long along the base of the slope and 10.5' deep; the toe of the revetment will be located at elevation 6.5'± (NAVD88) and will consist of a 1.5' thick layer of W50=500lb. Bedding stone (approximately 57± cubic yards) and two (2) layers of three (3) ton heavy armor stone (approx. 135± cubic yards) at a 2H to 1V slope up to an elevation of approximately 11.0'± (NAVD88); the existing bedding stone will be underlain with geotextile filter fabric; the stone revetment will span over an area of approx. 388sq.ft.; to further stabilize the existing slope it is proposed to fill in existing voids on the slope with clean selected fill, suitable on-site material that was excavated within the footprint of the stone revetment and material that was recovered at the toe of the slope; the existing voids caused by erosion are being filled to create a constant slope of 1.5H to 1V maximum to reach the top of the eroded area at elevation 26.0'± (NAVD88); approx. 120 cubic yards of fill placed over a 545± sq.ft. Area; revegetate area with native wetland vegetation as well as evenly spaced 16" diameter bio-fiber rolls to further stabilize the slope landward of the revetment; there will be no excavation or fill placed seaward of the proposed stone revetment, below A.P.H.W. (EL. 2.24'±) or S.P.H.W. (EL. 3.24'±). Located: 100 Sound Drive, Greenport. SCTM# 1000-33-4-35.3

The Trustees most recently visited this site on the 8th of February, questioned the access for the contractors, specifically no bluff cut. Questioned the ribbons on the bluff for staking. No use of existing boulders.

The LWRP coordinator found this be consistent. No naturally occurring rocks or boulders should be removed from the beach. Vegetation would not hold the toe of the bluff without stabilization. What are the storm water controls of the structure.

The Conservation Advisory Council supports the application.

Is there anyone here wishing to speak regarding this application?

(No response).

TRUSTEE KRUPSKI: There are any additional comments from the Board?

(Negative response).

TRUSTEE KRUPSKI: Hearing none, I make a motion to close the hearing.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the stipulation that none of the ribboned trees on the bluff are removed; and no bluff cut occurs; existing boulders to remain and not to be used in this project. That access is by barge.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 5, Jeffrey Patanjo on behalf of **DEMETRA MAKRIS** requests a Wetland Permit and a Coastal Erosion Permit to install 71 linear feet of rock revetment at toe of existing eroded bluff to replace existing temporary sand bags; install 15 cubic yards of clean sand fill and Cape American beach grass on entire bluff.

Located: 910 The Strand, East Marion. SCTM# 1000-30-2-81

The LWRP found this to be inconsistent. The inconsistencies are the slope of the bluff appears to be too severe to hold vegetation over time; and to identify the source of the boulders; the use of boulders in private projects that occur on the beach should be prohibited.

The Conservation Advisory Council resolved to support the application.

The Trustees most recently conducted an in-house field inspection on this February 8th, 2022, where we reviewed the new plans that were stamped received February 4th, 2022, that addressed the return on the neighboring property that was discussed at the previous meeting.

Is there anyone here who wishes to speak regarding this application?

(Negative response).

MR. PATANJO: Jeff Patanjo, on behalf of the applicant, and as discussed, plans revised based on comments addressed at last month's public hearing. Any other questions, I would be happy to answer.

TRUSTEE GOLDSMITH: Thank you. Is there anyone else that wishes to comment?

MS. CANTRELL: Jeff, I have to ask you, it's a new question. Do you consent to conducting this virtual hearing online via Zoom?

MR. PATANJO: Yes, I consent.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak

regarding this application?

(No response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the revised project description that reads as follows:

Project includes removal of existing temporary sandbags along the bottom of the eroded bluff, and replacement with 71 linear feet of rock revetment and ten linear feet of revetment return consisting of natural stone boulders from upland sources; stabilization fabric to be placed under proposed boulder revetment; install 2"x12" untreated timber terrace boards for every ten feet along eroded portions of bluff; install 40 cubic yards of clean sand fill from upland source to re-nourish bluff landward of proposed revetment; revegetate all disturbed bluff areas with Cape American beach grass plugs 12 inches on center; provide a ten-foot wide non-turf buffer at the top of the bluff; and in accordance with the new plans stamped received February 4th, 2022, with the further condition that all access be via barge, and that the terracing and the source of the boulders will both address the LWRP's concern and bring it into consistency.

TRUSTEE KRUPSKI: Second

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 6, Jeffrey Patanjo on behalf of **LEFKARA HOLDINGS, LLC, c/o NEOFITOS STEFANIDES** requests a Wetland Permit and a Coastal Erosion Permit to install 68 linear feet of rock revetment at toe of existing eroded bluff to replace existing temporary sand bags; install 60 cubic yards of clean sand fill and Cape American beach grass on entire bluff to protect property against additional storm erosion.

Located: 1070 The Strand, East Marion. SCTM# 1000-30-2-77

The Trustees mowers recently reviewed this application on the 8th of February and noted that we had received new plans and reviewed at that time as well as further at work session.

The LWRP coordinator found this be inconsistent. Some time after 2019 the landowner cleared their property to the bluff, most likely accelerating erosion of the bluff. A long line of sandbags occurs along the shoreline and the stretch of the shoreline could have a coastal management plan developed for a consistent method of erosion control.

Due to the severe angle of the bluff slope, it is probable that Cape American beach grass will not hold on the slope and prevent erosion.

In the event the action is approved, prohibit use of

naturally occurring rocks and boulders on the beach in construction. The impact of accelerating erosion on the two unarmored underlying properties should be assessed.

The Conservation Advisory Council resolved to support the application with a CEHA management plan.

Is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. As with the last application, plans were revised based on last month's public hearing and if there are any other comments, I would be happy to answer them.

MS. CANTRELL: Jeff, I have to interrupt and ask this question with every one of your applications. Do you consent conducting the public hearing virtually via Zoom

MR. PATANJO: Yes, I consent.

MS. CANTRELL: Thank you.

TRUSTEE KRUPSKI: Okay, it should be noted that I am in receipt of new plans stamped received February 4th, 2022, showing terracing vegetation, a small rock return and a non-turf buffer at the top of the bluff.

I am also in receipt of a new project description stamped received January 18th, 2022, which I will now read into the record.

The project includes the removal of the existing temporary sandbags along the bottom of the eroded bluff and replacement with 68 linear feet rock revetment and ten-foot linear revetment return consisting of natural stone boulders from upland sources. Stabilization fabric to be placed under proposed boulder revetment installed 2"x12" untreated timber terrace boards every ten feet along eroded portions of bluff. Install 48 cubic yards of clean sand fill from upland source to re-nourish bluff landward of proposed revetment. Revegetate all disturbed bluff areas with Cape American beach grass plugs 12" on center, provide ten-foot wide non-turf buffer at top of bluff.

Is there anyone else here that wishes to speak regarding this application?

(Negative response).

Any additional comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close the hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE KRUPSKI: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve the application based off the plans stamped received February 4th, 2022, the project description stamped received January 18th, 2022, noting that the non-turf buffer and the addition of terracing would bring this application into consistency with the LWRP coordinator.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

#### **WETLAND PERMITS:**



TRUSTEE GOLDSMITH: Under Wetland Permits, number 1, Jeffrey Patanjo on behalf of **KATHLEEN KNAPP** requests a Wetland Permit to remove and replace 58 linear feet of deteriorated timber bulkhead with new vinyl bulkhead in same location as existing and raise the height 12" above existing; re-face 113 linear feet of existing timber bulkhead in existing location with vinyl sheathing below lower wale and 2"x6" CCA sheeting above lower wale; existing bulkhead to remain undisturbed; install two courses of 6"x6" CCA timber directly to top wale of existing timber bulkhead to raise height a maximum of 12" above existing for a total length of 294 linear feet.

Located: 2260 Great Peconic Bay Boulevard, Laurel.

SCTM# 1000-145-4-4

The LWRP found this to be inconsistent. The inconsistency is the proposed action is listed within a New York State DEC critical environmental area with high quality intertidal wetland located to the north. The use of CCA wood preservatives in construction projects is unsupported by Policies 5 and 6 of the LWRP.

The Conservation Advisory Council resolved to support the application without raising the height of 12-inches above the existing and the installation of a ten-foot non-turf buffer planted with native vegetation.

The Trustees conducted a field inspection February 8th, 2022. The notes read no treated lumber, as well as the need for a non-turf buffer.

Is there anyone here who wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant. We have no objection to switching the lumber choices to untreated Greenheart and provide, in addition to the Greenheart timber for both the exterior wales and the piles, we will install a ten-foot wide non-turf buffer along the -- the buffer, we should question that buffer is where would you like the buffers, along the entire length of the bulkhead or just --

TRUSTEE GOLDSMITH: The entire length.

MR. PATANJO: Okay, inherently, it's pretty much there. We have no objections to that. Because most of the bulkhead already has a non-turf buffer by way of all the vegetation along the bulkhead and there is no intentions on removing any of it.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

MS. CANTRELL: If I can just interrupt, Jeff, I have to ask you again, do consent to conducting this public hearing virtually via Zoom?

MR. PATANJO: I consent.

MS. CANTRELL: Thank you.

TRUSTEE GOLDSMITH: Any other questions or comments from the Board?

(Negative response).

I'll make a motion to table this hearing for the submission of new plans showing the ten-foot buffer for the entirety of the length of the bulkhead as well as removal of the CCA treated lumber.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 2, Jeffrey Patanjo on behalf of **JENNIFER LEUBA & VICTOR HOU** requests a Wetland Permit to construct bluff stairs consisting of a 4'x8' top platform leading to 4'x13' steps down to a 4'x4' platform to 4'x13' steps down to a 4'x4' platform to 4'x12' steps down to a 6'x8' platform with benches to 4'x12' steps down to a 4'x4' platform to 4'x13' steps down to a 4'x4' platform to 4'x13' steps down to a 4'x4' platform down to 4'x13.43' steps to a 4'x4' platform and 4'x13' steps to beach.

Located: 950 Red Fox Road, Mattituck. SCTM# 1000-106-1-23.1

The Trustees most recently reviewed the application on the 8th of February. It is noted we had received new plans and the new project description.

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council did not make an inspection, however the plans were reviewed and it was noted retractable aluminum stairs to base would be recommended.

Is there anyone here that wishes to speak regarding the application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant. As you see, the plans were revised to address any comments that were raised during the field inspection by the Trustees, and I would be happy to answer any questions you may have.

MS. CANTRELL: Jeff, again, I have to ask you, do you consent to conducting this public hearing virtually via Zoom?

MR. PATANJO: Yes, so consent.

MS. CANTRELL: Thank you.

TRUSTEE KRUPSKI: Is there anyone else that wishes to speak regarding this application?

(No response).

TRUSTEE KRUPSKI: Hearing no additional comments, I make a motion to close the hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

I'll make a motion to approve this application with the plans stamped received in the office February 8th, 2022, and the project description which reads as follows, stamped received February 8th, 2022.

The project includes the installation of proposed step down from bluff consisting of 8x8-foot upper platform flush with surrounding grade 4'x14' steps, 4'x4' platform, 4'x13' steps, 4'x4' platform, 4'x12' steps, 4'x6' platforms with benches,

4'x12' footsteps, 4'x4' platform, 4'x13' steps and 4'x14' platform 4x13' steps, 4'x4' platform, 4'x13.43' steps, 4'x6' platform and 4'x7' platform steps to beach. Also included is trimming of four-foot wide path through vegetation to gain access to the beach area. Trimming to be done twice per year, and that is by hand method. That is my motion.

TRUSTEE GILLOOLY: Second

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 3, Jeffrey Patanjo on behalf of **MIKHAIL RAKHMANINE & JENNIFER V. RAKHMANINE REVOCABLE TRUST** requests a Wetland Permit to remove existing timber bulkhead and replace with 131 linear feet of new vinyl bulkhead in same general location and raise the height an additional 18" above existing top cap elevation; a total of 45 cubic yards of clean sand fill will be placed landward of the proposed bulkhead and utilized as fill due to raised height of bulkhead; construct a proposed 4' wide by 48' long fixed pier utilizing Thru-Flow decking over wetlands and non-treated timber decking on remainder which will lead to a 30" wide by 14' long aluminum ramp and a 6' wide by 20' long floating dock with un-treated decking, supported with two (2) 10" diameter CCA piles, situated in an "I" configuration; a 35'x24' dredging area surrounding the proposed floating dock will be dredged to a depth of 36" below mean low water removing a total of 65 cubic yards of spoils which will be removed from the site to an approved upland location; and for a proposed 10' wide non-turf buffer to be installed and perpetually maintained along the landward edge of the proposed bulkhead and consist of beach sand, mulch or pea gravel.

Located: 685 Bungalow Lane, Mattituck. SCTM# 1000-123-3-9

The LWRP found this to be inconsistent. The inconsistencies are the applicant has not demonstrated the following dock standards pursuant to Chapter 275-11 construction operation standards have been met. Although the parcel has a previously-permitted dock, the shallow water depths in the area promotes bottom scarring and turbidity. Evidence of bottom scarring shown in the 2001 aerial photographs. Dredging of basin at the end of the dock does not address the shallow water depth when navigating to and from the dock.

The Conservation Advisory Council does not support the application to harden the shoreline and recommends coir logs and a vegetated buffer and thru-flow decking on the ramp and dock.

The Trustees attempted to conduct a field inspection on February 8th, 2022, however the project was not staked.

Is there anyone here who wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant. I do consent to this hearing being conducted on Zoom. I'm looking, it might have been a mix-up on my end. Before I sent in

revised plans but I modified the entire project scope to no longer include a floating dock. Do you have the latest plans dated 1/11 of '22?

TRUSTEE GOLDSMITH: Yes, we do. So I believe the LWRP review is still based on the previous description. But we do have plans stamped received January 18th, 2022, that show fixed dock. However when we were in the field, there was nothing staked, so we couldn't tell where the fixed dock began, where it's located, where it ends. I think there is a proposal for to re-do the lower bulkhead as well as installation of an upper retaining wall. But again, without having that staked in the field, we can only speculate. We did have some potential concerns. Go ahead.

MR. PATANJO: All right, as far as, I absolutely staked it. The previous stake must have been dislodged. And I'll stake that upper retaining wall. If we can address any other comments you may have at this point, now would be the time, I don't know, or should we do that during field inspection?

TRUSTEE GOLDSMITH: I mean it would be ideal if we could meet you out in the field to go over some of this. We did have some concerns with the preliminary when we were out in the field as far as the need for that lower bulkhead. It's pretty well vegetated as is. I don't know necessarily think we had a big deal with the upper retaining wall, but the lower bulkhead, as the Conservation Advisory Council stated, might be more beneficial for a natural shoreline type project, with the installation of that upper retaining wall would probably negate the need for that lower bulkhead. And there is also another bulkhead in the middle of the two that looks to remain as well.

MR. PATANJO: Right. We had comments from the DEC similar to those. The DEC had no objection to us removing and replacing the lower bulkhead as well as was done with (Zoom audio glitch) no trenching, no jetting, which we could easily accommodate. And the sole purpose removing the lower bulkhead area is to stabilize that existing lower level area in between the lower bulkhead and the upper bulkhead. But I would be happy to meet you in the field to discuss everything about it.

TRUSTEE GOLDSMITH: Yes, I think that would be ideal if we can meet you and everybody putting their eyes on the same project. Our next field inspection is Wednesday, March 9th. So if it's okay with you, we'll table this to meet you in the field to see staking and have a discussion in the field on what is proposed.

MR. PATANJO: Absolutely. Yes, please table it.

TRUSTEE GOLDSMITH: Okay. Is there anyone else here to speak to this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to table this application to meet with the applicant in the field at next field inspections.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE SEPENOSKI: Number 4, **BRANKO & MARGARET PEROS** requests a Wetland Permit for the existing one and one-half story dwelling with a 1,200sq.ft. footprint, existing 8'x12' (98sq.ft.) front porch and 460sq.ft. rear deck; reconstruct the northerly wall in order to install new sliding doors; remove existing second story and construct new 32 ½'x24.8' second-story with a new 6.4'x11.2' balcony.

Located: 815 Rabbit Lane, East Marion. SCTM# 1000-31-17-18

The Trustees most recently reviewed the application on February 8th. The notes read new plans are acceptable but overly restrictive; and could be moved, forward but recommends dividing buffer area up between ten-foot non-turf and ten-foot non-disturbance.

The LWRP coordinator found this project to be consistent.

And the Conservation Advisory Council resolved to support the application.

There are no letters submitted. We have new plans stamped February 15th, that indicate a ten-foot wide non-disturbance buffer and a ten-foot wide non-fertilized dependent or non-turf buffer indicated on these plans.

Is there anyone here that wishes to speak regarding this application?

(No response).

Any questions or comments from the Board?

TRUSTEE KRUPSKI: Looks good with the new plans.

TRUSTEE SEPENOSKI: Taking that into consideration, I make a motion to close this hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: I make a motion to approve this application with the new plans stamped February 15th, 2022.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 5, Suffolk Environmental Consulting on behalf of **POE BOAT STORAGE, LLC, c/o WILLIAM LIEBLEIN** requests a Wetland Permit for the as-built clearing along eastern portion of the property (8,260sq.ft.), and by establishing and perpetually maintaining a 10' wide vegetated buffer area landward of the existing top of bank.

Located: 63125 & 63285 Route 25, Southold. SCTM# 1000-65-4-13.3 & 14

TRUSTEE SEPENOSKI: I would like to recuse myself from this hearing. I'm a relative of the applicant.

TRUSTEE KRUPSKI: The Trustees most recently reviewed this application on the 8th of February. Noted that we were in receipt of the new plans prior to the inspection. We had

requested for a 20-foot non-turf vegetated buffer landward from the top of bank and the trees. Also adding that no more fill should be put on the property.

The LWRP coordinator found this to be inconsistent, noting that the area has been cleared and filled without board of Trustees review or permit.

Conservation Advisory Council supports the application with a 15-foot non-turf buffer, planted with native vegetation.

Is there anyone here that wishes to speak regarding this application?

MS. CANTRELL: Robert Anderson is on the line, Suffolk Environmental. And I also have to ask, Robert, do you consent to conducting this public hearing virtually via Zoom?

MR. ANDERSON: Yes, I do. Rob Anderson, Suffolk environmental Consulting, on behalf of the applicant. I'm here to answer any questions the Board may have.

TRUSTEE KRUPSKI: Thank you. Is there anyone else that wishes to speak regarding this application, or any additional comments from the members of the Board?

(Negative response).

Hearing none, I'll make a motion to close the hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve the application with plans stamped received in the office February 2nd, 2022.

TRUSTEE GOLDSMITH: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES). (Trustee Sepenoski – RECUSED)

MR. ANDERSON: Thank you.

TRUSTEE KRUPSKI: I make a motion to re-open the prior hearing

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I would like to note that with my prior motion and the new plans, this would thereby bring it into consistency with the LWRP coordinator.

TRUSTEE GOLDSMITH: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Motion to close the hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve the application.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make sure I don't do that again.

TRUSTEE GOLDSMITH: Number 6, Costello Marine Contracting Corp.  
on behalf of **GARDINERS BAY ESTATES HOMEOWNERS ASSOCIATION, INC.**

requests a Wetland Permit to dredge a 25'x300' channel to elevation -4.0' below mean water.

Located: Spring Pond, East Marion. SCTM# 1000-37-4-17

The LWRP found this to be inconsistent. The inconsistencies are the dredge spoil disposal area will bury existing beneficial vegetation, and turbidity controls are not proposed.

The Conservation Advisory Council supports the application and recommends the installation of a gabion or a breakwater to minimize scouring.

The Trustees conducted a field inspection on February 8th, 2022, noting straightforward, and to check on the DEC approval.

Is there anyone here who wishes to speak regarding this application?

MS. CANTRELL: We have Jane Costello from Costello Marine.

Jane, if you would un-mute yourself to speak to the Board.

But I do have to first ask you a question. If you can answer the question, please. Do you consent to conducting the public hearing virtually via Zoom?

MR. COSTELLO: Yes, I do. Jane Costello, Costello Marine, on behalf of the applicant, here to answer any questions that the Board or the public may have.

TRUSTEE GOLDSMITH: Jane, this has a DEC permit, I believe?

MR. COSTELLO: It does. And I did issue that to the office. I think it's on your public records.

TRUSTEE GOLDSMITH: And the DEC was okay with where the proposed spoils were going?

MR. COSTELLO: Yes. So the spoils are going where all the spoils typically go for the main channel, it's on the east side of the inlet.

TRUSTEE GOLDSMITH: Okay. And will you avoid any existing vegetation with the proposed dredge spoils?

MR. COSTELLO: Yes, we'll avoid all of them. The site -- all the spoils will be landward of the spring high water mark and clear of the vegetation over there.

TRUSTEE GOLDSMITH: Okay, and one final thing, will you use a silt boom during dredging.

MS. COSTELLO: Yes

TRUSTEE GOLDSMITH: Okay, thank you. Is there anyone else here wishing to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close the hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application noting that the dredge spoils will not be burying any existing vegetation, as well as a silt boom will be used during construction, thereby bringing it into consistency with the LWRP. That's my motion.

TRUSTEE PEEPLES: Second

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Liz, is there any way to move the screen over again so we can see if anyone has their hand raised? Sometimes it needs to be re-centered.

MS. CANTRELL: It moves on itself here.

TRUSTEE KRUPSKI: Thank you.

Number 7, Twin Forks Permits on behalf of **SCOTT ROSEN & LORI GOEDERS ROSEN** requests a Wetland Permit to construct additions and alterations to the existing 3,742.1sq.ft. dwelling consisting of a landward side 27'x7' (184.5sq.ft.) addition; an approximate 25'x28' varying dimensions (302sq.ft.) addition onto the southwest corner of the dwelling; construct an approximately 14'x5' varying dimension (29.6sq.ft.) addition to the existing 747sq.ft. upper level deck that will have approximately 310sq.ft. of deck removed in order to accommodate the addition to dwelling; for the existing 267sq.ft. Lower deck to remain; construct a 22'x22' second story addition; relocate existing bilco doors to accommodate new addition; remove existing septic system and install an I/A septic system; install gutters to leaders to drywells to contain roof runoff; and to install a row of staked hay bales and/or erosion control silt fencing. Located: 850 Lupton Point Road, Mattituck. SCTM# 1000-115-11-16

The Trustees most recently visited this site on the 8th of February, and noted that with the new plans, which we received -- with the new plans received, that it appeared to be within the existing pier line with the neighboring properties.

It should be noted that since then I am in receipt of new plans stamped received February 11th that depict the non-turf buffer landward of the bulkhead.

The LWRP coordinator found this to be consistent.

And Conservation Advisory Council resolved to not support the application due to inadequate setbacks.

Is there anyone here that wishes to speak regarding this application.

MS. POYER: Lisa Poyer, Twin Fork Permits, on behalf of applicant. And you received revised plans February 11th, 2022, that does show the 15-foot wide non-turf buffer as requested by the Board. And the addition was relocated in a more landward location in line with the pier line from the neighboring properties, as well as the bulkhead setback.

TRUSTEE KRUPSKI: Very good, thank you. Is there anyone else here that wishes to speak regarding this application?

(No response).

Or any additional comments from the Board?

(Negative response).

Hearing none, I make a motion to close the hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the new plans stamped received February 11th, 2022.

(ALL AYES).

MS. POYER: Thank you.



TRUSTEE GOLDSMITH: Number 8, Land Use Ecological Services, Inc. on behalf of **KOEHLER FAMILY LIMITED PARTNERSHIP** requests a Wetland Permit to reconstruct all three (3) of the existing groins and wing groins at the site utilizing vinyl sheathing; the groins are proposed to be reconstructed so the groins do not extend seaward of apparent low water and are no higher than 18" above sediment grade on the down drift side; the existing groin to the south is 79' long with two wing groins facing north (11.4' and 12' long) is to be reconstructed to be 69' long; the existing groin in the middle is 78' long with four wings groins, two facing north (8.2' and 6.7'), and two facing south (7.7' and 11.4'), as indicated is to be reconstructed to be 65' long; the existing groin to the north is 77' long with four wing groins, two facing north (9.4' and 7.4'), and two facing south (11' and 8.4'), as indicated is proposed to be reconstructed to 59' long; no fill is proposed; the top elevation of the proposed reconstructed groins is to be no higher than 18" above sediment grade on the down drift side of the groins.

Located: 575 Old Harbor Road, New Suffolk. SCTM# 1000-117-3-6

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support this application.

The Trustees did an in-house review February 8th, 2022, noting that we did receive the DEC permit for this application.

Is there anyone here wishing to speak regarding this application?

MS. CANTRELL: We have Dan Hall on Zoom.

Dan, if you want to un-mute yourself and speak to the Board. But I do have to ask you a question. I need to ask you if you consent to conducting the public hearing via online Zoom.

MR. HALL: Yes, I do. Thank you.

MS. CANTRELL: Thank you.

MR. HALL: Good evening. Dan Hall, Land Use Ecological Services, and I'm here to represent the owners, Koehler family.

And yes, we have received New York State DEC permit, and I also submitted a revised project description with reference elevations that the Board had requested.

TRUSTEE GOLDSMITH: Yes. Thank you. We have that stamped received February 15th, 2022, in the file.

MR. HALL: I don't know if there are any other questions or information required at this time.

TRUSTEE GOLDSMITH: Not at the moment. Is there anyone else here wishing to speak regarding this application?

(No response).

Any other questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to close the hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this

application with the new updated project description stamped received February 15th, 2022, which reads as follows:

The applicant is proposing to reconstruct all three of the existing groins with wing groins at the site utilizing vinyl sheathing; the groins are proposed to be reconstructed so the groins do not extend seaward of the apparent low water, and are no higher than 18 inches above sediment grade on the down drift side. The existing groin to the south is 79' long with two wing groins facing north, 11.4' and 12' long, is to be reconstructed to be 69' long. The existing groin in the middle is 78' long with four wing groins, two facing north 8.2' and 6.7 feet, and two facing south, 7.7' and 11.4', as indicated, is to be reconstructed to be 65 feet long.

The existing groin to the north is 77' long with four wing groins, two facing north 9.4' and 11.4', and two facing south 11' and 8.4' as indicated is proposed to be constructed to be 59' long. No fill is proposed. The top elevations of proposed reconstructed groins is to be no higher than 18" above sediment grade on the down drift side of the groins, see section views details. And the elevations are referenced in that project description stamped received February 15, 2022. So that is my motion.

TRUSTEE GILLOOLY: Second

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 9, David Bergen on behalf of **STEVEN & DANIELLE PORTO** requests a Wetland Permit to move existing permitted  $\pm 12.5' \times 9.5'$  deck located landward of top of bluff approximately 25 feet north, attached to a proposed 97sq.ft. landing/deck with bench leading to a set of bluff stairs consisting of 4'x23' stairs to second 4'x4' (16sq.ft.) upper landing to 4'x6' stairs leading to a third 4'x5' (20sq.ft.) upper landing with bench to 4'x18' stairs to a 10'x10' (100sq.ft.) middle landing with bench to 4'x6' stairs to a 4'x5' (20sq.ft.) lower landing with bench to 4'x20' stairs to a 4'x4' (16sq.ft.) landing at top of retaining wall with 4'x12' stairs to a 15'x30' (450sq.ft.) deck between retaining wall and bulkhead with a 4'x4' (16sq.ft.) cantilevered platform off bulkhead with 8' long retractable metal stairs to beach which is to include a mechanical hoist plus electric at midway deck and bulkhead deck plus water to bulkhead deck; all stairs and landings/decks to include handrails plus fall protection barrier at mid-height between stairs and railings.

Located: 4875 Nassau Point Road, Cutchogue. SCTM# 1000-111-9-10

The Trustees most recently reviewed this application on the 8th of February, noted that we are in receipt of new plans and project description.

The project description reads as follows, which was received January 31st, 2022: Construct at top of bluff a proposed top landing deck 97 square feet with bench, with

attached 4x4 landing, to a set of bluff stairs consisting of 4'x23' stairs to a second 4'x4' 16 square foot landing, to middle landing with bench, 4'x6' stairs to a 4'x20' stairs landing on top of retaining wall with 4'x12' stairs to bottom of retaining wall; install a 405 square foot deck between retaining wall and bulkhead with 4'x4' cantilevered platform off top of bulkhead with 8' long retractable metal stairs to beach, which is to include a mechanical hoist plus electric and midway deck and bulkhead deck, plus water to bulkhead deck. All stairs and landings to include handrails plus fall-protection barrier at the mid-height between stairs and railing as per site construction plans dated December 2nd, 2021, revised identifies January 1st, 2022.

The LWRP coordinator found this to be inconsistent due to the size of the lower deck associated with the stairs.

The Conservation Advisory Council did not support the application. The size of upper and lower decks not compliant with Chapter 275.

Is there any here wishing to speak regarding this application.

MR. BERGEN: Dave Bergen, on behalf of the Porto's. This was tabled last month and we have addressed a couple of Trustee concerns, first off. We also addressed the inconsistencies.

We had first proposed that an existing permitted deck be moved at the top of the bluff over to join the start of the stairs at the beach. We have agreed to not touch that, so it's no longer associated with this project, and that's shown in the new description.

And the second concern also, which was the bottom decking attached to the stairs coming down the bluff are actually coming from the retaining wall down to that deck. That deck has been moved as per the Trustees recommendation, so there is no longer attached to the stairs. And we also did downsize that lower deck by 50 square feet.

So we have addressed those concerns, and if there's any other questions the Board has, I'm here to answer them.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here that wishes to speak regarding this application, or any additional comments from members of the Board?

TRUSTEE GOLDSMITH: One slight one. Stainless steel fasteners for construction of that lower deck is acceptable?

MR. BERGEN: Yes, it will be stainless steel fasteners, and it will be two, as shown in the diagram pilings going down, so the decking will go nowhere.

TRUSTEE GOLDSMITH: Okay.

TRUSTEE KRUPSKI: Hearing no additional comments, I make a motion to close the hearing on the application.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application

noting that stainless steel hardware will be used during construction, and the lower deck is not associated with the stairs, therefore bringing this into consistency with the LWRP coordinator.

TRUSTEE GOLDSMITH: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. BERGEN: Thank you.

TRUSTEE GOLDSMITH: Number 10, Daniel Heston & Jacqueline Wilson on behalf of **PECONIC LAND TRUST** requests a Wetland Permit to perform work at the Plock Shellfisher Preserve consisting of repairing in-place 386 linear feet of the bulkhead on the box jetty; repair in-place 42 linear feet of the bulkhead at tidal lagoon inlet; replace damaged tie-backs on lagoon peninsula bulkheads and backfill sink holes with excavated soil, 30 cubic yards of eroded soil; replant using native vegetation as per detail on site plans; repair hatchery weir; replace 11 rotted pilings with 8' timber piles and inspect and replace all damaged corroded anchors; replace 3"x3" wooden vertical screen slots at weir; replace existing wire fence with vinyl coated fence; maintenance dredging at weir and hatchery flume building (363 cubic yards) to -4.7' mean low water and place resultants 363 cubic yards of dredged material on jetty peninsula; the total Phase 1 area of disturbance is 9,192sq.ft.

Located: 10273 North Bayview Road, Southold SCTM# 1000-79-5-20.12

TRUSTEE PEEPLES: I'm recusing myself from this application because my business is hosting an upcoming event with the applicant. Additionally, the application is indirectly involved and may impact another currently existing business relationship.

TRUSTEE GOLDSMITH: Thank you.

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application.

The Trustees conducted a field inspection February 8th, 2022, noting it was a straightforward replacement of existing structures.

We also have a letter in the file supporting this project, signed by Ben Gonzalez, David Daily, Karen Rivara, Melanie Douglas, Joe (inaudible) and Robert Moore.

We also have a new project description stamped received February 10th, 2022.

Is there anyone here who wishes to speak regarding this application?

MS. RIVARA: Good evening, my name is Karen Rivara, owner of Aeros Cultured Oyster Company.

I'm just speaking in support of the application. As you saw with the letter, there are quite a few people whose businesses are based there, and a lot of shellfish growers in the region depend on this sea grass produced out of that site, and it's, as you saw, in need of major repair. So I'm just

speaking in support of.

TRUSTEE GOLDSMITH: Thank you.

TRUSTEE KRUPSKI: Thank you

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

MR. BYRNES: My name is Martin Byrnes, I am a Southold Town resident. I also am a part-time manager at Aeros Cultured Oyster Company. I also help out with Peconic Pearls, that's our market program, and I'm also a preserve manager for the Peconic Land Trust at the site.

I just wanted to voice my opinion. This has been a shellfish aquaculture facility since the mid-60s, as I'm sure you guys are aware, from the Plock's. The Land Trust has done a great deal to preserve this working waterfront. What we do is really environmentally beneficial to everybody in the community, so I just would like to your support in this matter.

TRUSTEE GOLDSMITH: Thank you, sir. Is there anyone else here wishing to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE SEPENOSKI: Second.

All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application with the revised project description stamped received February 10th, 2022, which I'll read as follows:

Project description for the work that is being requested to be performed Plock Shellfisher Preserve is as follows:

Replace 386 linear feet of bulkhead on the box jetty; repair and replace 42 linear feet of the bulkhead at tidal lagoon inlet; replace damaged tie-backs on lagoon peninsula bulkheads and backfill sink holes with excavated soil, 30 cubic yards of eroded soil; replant as per detail on site plans; repair hatchery weir; replace 11 rotted pilings with 8' timber piles, and inspect and replace all damaged corroded anchors as per details on site plan; replace 3"x3" wooden vertical screen slots at weir, as per detail on site plan; replace existing wire fence with vinyl coated fence; maintenance dredging at weir and hatchery flume building (363 cubic yards) to -4.7' mean low water, and place resultant 363 cubic yards of dredged material on jetty peninsula; the total Phase 1 area of disturbance is 9,192 square feet.

In addition to the above provided description we also need to address the erosion problem in front of our education facility located on the east of the shellfish farm; to repair this we propose to bring in approximately 40 cubic yards of clean fill and place it in eroded area to bring it out to approximately where it was at the beginning of 2022.

Once the fill is installed and packed, we would install

filter cloth on the seaward side and extend the rock jetty eastward approximately 40 feet to protect the building.

That is my motion.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES). (Trustee Peeples – RECUSED).

TRUSTEE PEEPLES: Number 11, Jonathan Foster, R.A. on behalf of **ARETI LAVALLE** requests a Wetland Permit to construct a 13'x36' and 8' deep gunite swimming pool which includes a hot tub and steps; the pool edge coping will be approximately 100sq.ft.; install an additional 225sq.ft. of new pool terracing for a total of existing and new terracing, and pool coping combined to be 738sq.ft.; install 4' high pool enclosure fencing; install a 45sq.ft. pool equipment area; and install a pool drywell. Located: 555 Sound View Road, Orient. SCTM# 1000-15-3-7

The LWRP has found this consistent.

And the Conservation Advisory Council is in support of this application.

The Trustees visited this site on February 8th, 2022, and noted that it's a straightforward application. The non-turf buffer is already in place.

Is there anyone here that wishes to speak regarding this application?

MS. LAVALLE: Good evening. My name is Areti Lavalle, I'm the applicant and the owner.

I guess I can only say that we are looking forward to this pool being put in. At one point we had some plans revised. This was with the ZBA. We feel that it is consistent with the neighborhood. All our neighbors both easterly and westerly have pools across the street under construction as we speak.

We have a non-turf buffer already in place. It is a small pool. It is not a, you know standard by 25x40. We restricted the size to get it to be 67 feet away from the bluff, which was originally where the first house was. We knocked that down because we felt it was in the best interest and to move the house back 100 feet to comply, and we give ourselves better distance from the bluff. I'm hoping that this application and I'm opening myself up to any questions you may have.

TRUSTEE GILLOOLY: Thank you.

TRUSTEE PEEPLES: Thank you. I do have one question.

On the plan it's noted a drywell option #1 and drywell option #2. Drywell option #1 is seaward of the pool and the coping, and the fence, in fact. And drywell option #2 is landward and right off of the house.

MS. LAVALLE: Right. The original plan was put it in option #1. The reason we had tried to avoid option #2 is in that driveway right now we have gas lines, we have the main sewer line coming out of the house, we have main electrical lines. So it's a little congested there. Obviously it would be easier to put it in option #1, but obviously we will follow whatever the Board's recommendation is.

TRUSTEE PEEPLES: Okay, great. I would recommend the drywell option #2, the landward option.

MS. LAVALLE: It's doable, it's just a little more complicated and difficult.

TRUSTEE PEEPLES: Thank you. We appreciate you taking that on.

Are there any questions or comments from the Board?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE PEEPLES: I make a motion to approve this application with the note that drywell option #2 will be the location for the drywell.

TRUSTEE KRUPSKI: Second.

(ALL AYES).

MS. LAVALLE: Thank you, very much. Have a good evening.

TRUSTEE GOLDSMITH: At this time we'll take a five-minute recess.

(After a short recess, this proceeding continues as follows).

TRUSTEE KRUPSKI: Okay, we are back on the record.

Number 12, Michael Kimack on behalf of **DAVID & BARBARA HAZARD** requests a Wetland Permit for the existing dock consisting of an existing 4'x8' (32sq.ft.) landward deck to a 5'x18' (90sq.ft.) fixed catwalk; existing 3'x18' (54sq.ft.) aluminum ramp; and existing 6'x20' (120sq.ft.) floating dock; construct a 4'x12' (48sq.ft.) fixed dock extension with Thru-Flow decking; relocate aluminum ramp and floating dock 12' further seaward and situate the floating dock in an "T" configuration; reface existing bulkhead, approximately 100 linear feet @ avg. 3' in height (300sq.ft.) with 2"x10" tongue & groove HDPE dimensional lumber with 8" diameter pilings @ 6' on-center for additional support.

Located: 1465 Harbor Lane, Cutchogue. SCTM# 1000-103-2-1.1

The Trustees most recently reviewed the application on the 8th of February, and noted we would review the new plans further at work session.

The LWRP coordinator found this to be consistent.

And the Conservation Advisory Council resolved to support the application, noting that the subject property is an ideal location for living shoreline project.

It should be noted that I am in receipt of new plans stamped received January 31st, which depict removal of the older wooden wall, slight regrading to be planted, and make the slope a little less steep and conducive to what is essentially a living shoreline.

Is there anyone here that wishes to speak regarding this application.

MR. KIMACK: Michael Kimack on behalf of the applicant. Good evening. The applicant is here also.

We did revise it in order to create more of a living shoreline than

originally had been than just repair of the original bulkhead.

Nick, the only thing I would suggest is we did want to leave the existing bulkhead in place at least for the two-year period. It's going to fall down. If it falls down, it's gone. But it will be gone within that two-year window of the permit. At least to give enough time to stabilize the slope as much as possible behind it. And that's it.

TRUSTEE KRUPSKI: Thank you.

Is there anyone else here that wishes to speak regarding this application?

(Negative response).

Any additional comments from members of the Board?

(Negative response).

Hearing none, I make a motion to close the hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the new plans stamped received January 31st, 2022, depicting regrading and subsequent eventual removal of the lower wood wall section.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 13, Michael Kimack on behalf of **DAVID & BARBARA HAZARD** requests a Wetland Permit for the existing dock consisting of an existing 4'x8' (32sq.ft.) landward deck to a 5'x18' (90sq.ft.) fixed catwalk; existing 3'x18' (54sq.ft.) aluminum ramp; and existing 6'x20' (120sq.ft.) floating dock; construct a 4'x12' (48sq.ft.) fixed dock extension with Thru-Flow decking; relocate aluminum ramp and floating dock 12' further seaward and situate the floating dock in an "T" configuration; reface existing bulkhead, approximately 100 linear feet @ avg. 3' in height (300sq.ft.) with 2"x10" tongue & groove HDPE dimensional lumber with 8" diameter pilings @ 6' on-center for additional support.

Located: 1465 Harbor Lane, Cutchogue. SCTM# 1000-103-2-1.1

The LWRP found this project to be inconsistent. The inconsistency is if this is a restoration of the area with objective to remove invasive species, then all native species should be preserved.

The Conservation Advisory Council supports the application however requests careful selection of trees to be removed and to leave some of the cedar trees in place.

The Trustees most recently conducted a field inspection February 8th, 2022. Notes say save all native evergreen trees, specify no trimming lower than six inches landward of the proposed fence. Non-disturbance buffer seaward of fence.

We did receive a new project description and plans stamped received in the Trustee office February 14th, 2022.



Is there anyone here wishing to speak regarding this application?

MR. KIMACK: Michael Kimack, behalf of the applicant.

There have been, on the original one, I think the original request we were looking for about 12,000 square foot clearing. I think Mr. Krupski suggested basically suggested we pull it back a little bit from 15 foot to ten foot, which we have done, in the course of new plans, and currently there is a 5,300 square foot clearing.

The clearing would be done, there is no grubbing, there is no regrading, there is no filling. It would be done as if it was a phragmite cut six inches above grade, and maintained as such.

There are no cedar trees within that window, there are some junipers, which we would like to take down, because part of the reasoning is we would like to be able to make sure to keep the view as much as possible. But I think most the juniper trees, really the majority, are seaward of where this fence line is going to go in. There might be I think one or two at most within the ten-foot line.

TRUSTEE GOLDSMITH: Thank you. Is there anyone else here wishing to speak regarding this application?

DR. PECK: Good evening. My name is Dr. Charles Peck, I'm a unit owner at The Cove, 41-year veterinarian, and also proud grandparent of 80 million oyster larvae which were spawned on Valentine's Day.

I'm looking for a little bit of clarification. In the renewed application it sounds as if the buffer zone on the landward side of the fence, all the work there would be to move things down to six feet. And, is that --

TRUSTEE GOLDSMITH: Six inches. They'll cut it to six inches.

DR. PECK: I'm sorry, what?

TRUSTEE GOLDSMITH: It's to six inches.

DR. PECK: Six inches?

TRUSTEE GOLDSMITH: Yes

DR. PECK: Okay, secondly, it was discuss all of the native evergreens would be preserved in the buffer zone, and I think we still feel that is very important to the integrity of the buffer zone. And I hope that is included in the permit, that those trees, and there is quite a few more than two or three that will be preserved in that area.

I would also hope that the new map that was submitted on the 14th, if you go down about halfway on the written part of it, it's still reverting to grubbing and grading. I was hoping maybe that is going to be removed so it's just specific enough that there is no confusion about that.

TRUSTEE GOLDSMITH: Okay. Thank you.

MR. KIMACK: I apologize for that. I think if you look at the description, the description is quite specific that there is no grubbing in the grade.

DR. PECK: And just quickly, I didn't realize it was six inches.

I thought it was six feet. Which I was very happy about. But six inches is a little more disturbing. But as long as we are leaving the roots and stuff intact, as long as we are leaving the evergreens intact, as long as we are doing that, I think we are okay with that.

TRUSTEE GOLDSMITH: Thank you, sir.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE GOLDSMITH: Anyone else here wishing to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

TRUSTEE PEEPLES: I have one comment. When I was there the other day it appeared, I know that originally things were, it was a tag point for delineation. It seemed a little bit confusing, I'm not sure if some of them were left from the previous tagging, I would just request that that is reviewed and the tagged areas remaining are compliant with the description and the plans.

MR. KIMACK: You mean the stakes that were put in those areas?

TRUSTEE PEEPLES: In the little tags that were tied on to the vegetation. There are stakes, but then there are also --

MR. KIMACK: That would be the wetland line, I would think.

TRUSTEE PEEPLES: There was another one that I saw that was a little more landward. Maybe I was misreading it, but --

MR. KIMACK: What happened it, I tied a little on there, mostly with identification for the ten-foot cut line. I just wanted to be, sometimes you were not able to see the stakes, so I might have put some flagging above it to indicate specifically where those were. And there were two sets. The first is the cut line and the one further back was the wetland line itself.

TRUSTEE PEEPLES: Yes, and thank you for clarifying that. It might have been between that --

MR. KIMACK: Yes, when we do look at it, a lot of times, the stakes are not that visible a lot of times, so I put a couple of flags above it to indicate that was the location.

TRUSTEE PEEPLES: Thank you, for clarifying.

TRUSTEE GILLOOLY: I would also like to state on the record there are quite a few more evergreens in that area than two or three. It's closer to ten or more. So.

MR. KIMACK: Well, one of the reasons I'm being reticent about this, one of the reasons that I had indicated I would be willing to cut back there is to make sure that we kept the visibility clear, in essence, because the first ten-foot cut takes us down the little embankment there. So one of the reasons was to establish the fence line so that there would be no cutting into the non-disturbance area. But the other way is to make sure that we kept the clear line for the people in those houses.

The evergreens may possibly be an issue as they grow, basically and I don't want to necessarily have to come back to you and say we have to trim these, essentially. I'm not quite sure, I didn't quite frankly take a count, in essence, like

that. I quite expected that we were asking for ten foot, 5,300 feet that we would basically be able to clear. Below that is a whole range of junipers, and I suspect it's also probably some cedar as you get closer in there. But not anything within that first ten feet. If it was anything, it's a juniper. And we would like to be able to take that down. Because the real reason for this is to make sure we have that clear so that we are able to achieve those two purposes. One is to make sure we keep the lines of visibility open to make sure that they don't do any more cutting further of that, as we go through. Because there had been some intermittent cutting, in order to open it up for use.

TRUSTEE KRUPSKI: I will say, for my part, you know, I understand wanting to clean up that line and then establish a fence line of a protected area. There is definitely some goldenrod in there, some mugwort, ragweed and some briar. And I do appreciate the fact you want us to lower it to six inches so you are really not getting any clearing or ground disturbance, I think that's important to this application. But speaking for myself, as one Trustee, I think I don't want to see any evergreens, regardless of cedar or juniper remain. If that means coming back for a trimming permit this Board as always looked more kindly upon a ten-year maintenance trimming permit than outright removal for a nice buffer area.

DR. PECK: Can I just make one more comment?

TRUSTEE GOLDSMITH: Yes, sir.

DR. PECK: I would like to concur with Mr. Krupski, and just add that as it is, as it stands today, at this moment, this buffer zone works perfectly for both protecting the buildings and protecting the creek. And I just hope you would keep that in mind as you make this decision. Thank you.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE GOLDSMITH: Any other questions or comments?  
(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the new plans stamped received February 14th, 2022 as well as the new project description stamped received February 14th, 2022, that states as follows: Clear non-wetland vegetated area of approximately 5,300 square feet, cut vegetation to six-inches above grade, and maintain at that height. No proposed grubbing to remove existing roots, no additional fill, and no additional plantings or native grasses, install approximately 630 linear feet of one-rail high split rail fence along seaward edge of clearing; area seaward of proposed split-rail fence shall be designated a non-disturbance area except for existing two pathways and kayak storage area as previously approved by the Trustees. As well as the condition that no trees are removed,

and without removing or disturbing any of the native vegetation, it will bring into consistency with the LWRP. And that no trimming is to occur any further than ten feet from the proposal. That is my motion

TRUSTEE KRUPSKI: Second

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. KIMACK: Thank you.

TRUSTEE KRUPSKI: Number 14, Michael Kimack on behalf of **SAND LENNOX, LLC** requests a Wetland Permit to demolish and remove existing 554sq.ft. dwelling with porch; abandon existing sanitary system and back fill with clean course sand; construct a proposed two-story, four (4) bedroom dwelling with covered decks (2,4120sq.ft.), and a gravel driveway; install gutters to leaders to drywells; install a proposed four (4) bedroom I/A OWTS system in accordance with Suffolk County Health Department standards; remove 19 trees of varying calipers; and to install and perpetually maintain a 30' wide non-turf buffer along the landward crest of bluff.

Located: 1450 Salt Marsh Lane, Peconic. SCTM# 1000-68-3-1

The Trustees most recently visited this site on the 8th of February, and noted the house should probably be pulled back from the bluff due to extreme erosion in this area.

The LWRP coordinator found this to be inconsistent. This stretch of the coastline is highly erosive and structures should be located to the greatest extent practicable to meet Police 4.1, to minimize loss of human life and structures from flooding and erosion hazard.

The following management measures to minimize loss of human life and structures, minimize potential loss and damage by located development and structures away from flooding and erosion hazards.

And the Conservation Advisory Council resolved to support the application, only with the recommendation the proposed dwelling is moved further landward and away from the CEHA. All trees along the bluff should be left in place and minimal removal of the trees between the house and the bluff.

Is there anyone here that wishes to speak regarding this application?

MR. KIMACK: Michael Kimack, on behalf of the applicant.

It is not a very large lot in terms of all the other lots that may be to its left, its east, essentially like that. Peconic Land Trust is on its south side, primarily, as you drive in there. It's, when you look at the lot, I know that unfortunately I was not able to be with you, we had some miscommunication, but I had it well staked so you had an idea to see where everything was.

In order to stay within the building envelope we have to be 40 feet back from the property line in the front. To begin with. And that is something that I can tell from experience the

Zoning Board would not entertain any kind of lessening of that. Plus the fact is that in that 40, we meet it anyway because we need a driveway, and we need a place for parking and we also need a place for the IA system within that 40 feet, and that kind of works in terms of the distance from the house and distance from the property line to meet the Health Department standards.

Your concern about the distance from the top of the bluff is obviously understood because we deal with this a lot. The original house, I would imagine, had been moved back. There has not been any additional erosion of that bluff since, some time since that house has been moved back, primarily.

TRUSTEE KRUPSKI: There certainly has been. I have been to this property a lot. There certainly has been a lot of erosion.

MR. KIMACK: I have not seen it in front of the house, though, since they moved it back. I haven't seen it come any more closer.

TRUSTEE GOLDSMITH: When we first looked at this a couple of years ago, that house was hanging over the bluff, I believe at the time we moved it back 20, 25 feet. Now it's right at the edge of the bluff again. Not hanging over it, but it's right there.

MR. KIMACK: Well, the proposed house was designed basically to be in accordance and be in line with that. Yes it doesn't meet the hundred-foot setback but it's, the thing is when you look at that design, when you look at the drawings themselves, when you look at the northeast corner of the house it's 70-foot back on that one corner, but the other side, the 67, 65.7 feet is to the other deck, not the foundation. I wanted to, if you have a chance, take a look at the drawings, you'll see the upper deck there. Important to the fact that yes, we have to represent it as being the closest point, but in terms of the distance, in terms of the structure of the house and the support of the house, that one corner is seven feet. The other corner in the northwest side is 80 feet from the house. It's a fact that the deck appears to obviously be more forward of that.

The house is not that wide. In terms of, I think it's about maybe 31 feet, basically. You can see it on that one which is not an overly-sized house. And the question is whether or not, ultimately, the bluff would obviously have to be stabilized. DEC, the difficulty with DEC in this particular matter is there will be some, I think in the future, there will be either a gabion, which they recently approved me to have a design for that. After they shot me down three or four times. But to stabilize that particular bluff, I mean to stabilize the toe and the overall bluff, in essence would be something I think they have to ultimately do.

And I think the DEC and I think the Board would be favorable to obviously doing the rock revetment or the gabions, which we had approved before. Primarily. But they don't plan any stairs going down, as far as I know. That's not part of the

application. And the DEC's, unfortunately DEC really doesn't care whether or not you lose 20 or 25 feet. I know you do. But their approach is when you come to within seven or ten feet from the house, we may consider it an emergency, other than that have a nice day. The rest is on you to maintain your slope, even if the slope is inadequate. And I've had those fights with that. So, this is one is, I did the one next door, primarily, which was an approved staircase, exactly next door. So I'm not quite sure if it has gone since then. That was, if you look at that, that was for Jonathan, that was for 4950 Blue Horizon. We have an approved staircase going down on that one. And that was pretty much on the same bluff line that we are on right now.

I think that it's. And I, coming into these meetings, I understand that your hope and expectation is to try to move the house back as reasonably far as you can, but at the same time the property owner would like to have some semblance of a house. The difficulty is that it's a truncated piece of property between the top of the bluff and the property line in the back. Take off the 40 feet simply because Zoning would not give us any less than that and we are working within that little confine with the house. And I indicated that we have 80 on one side and 70 on the other. In that particular case. We did propose a 30 foot non-turf buffer on the top, recognizing that that is something you have been leaning toward in terms of the distance. And plus the fact is the 30 foot non-turf lines up fairly closely with the coastal erosion hazard line, in any event, on that particular one. I don't if the architect is on line.

Victor Ruiz.

MS. CANTRELL: He just put his hand up.

MR. KIMACK: Please. He might want to talk a little bit about the foundation and the structure.

MS. CANTRELL: Mr. Ruiz, if you want to un-mute yourself and speak to the Board, feel free.

MR. RUIZ: Hi, I'm Victor Ruiz, the architect.

I've tried to follow, I don't have the greatest connection, but I think I mostly heard what you said so far. So any questions you have.

MR. KIMACK: Victor, I think what I would like to have you present to them is how you designed the foundation, primarily. Their concern is the distance from the top of the bluff. Their concern is the bluff is continually receding, and that they would like us to consider moving it back further, and I tried to point out the fact that we designed the house within a very tight, limited space in accordance with what we had to work with; tried to keep it back as far from that bluff as possible and still give the homeowner the opportunity to have a reasonably sized house at the end of the road.

I know you did a specific on the design of the foundation, and I just wanted you to see if you could point that out to the Board.

MR. RUIZ: So if I understand you correctly, as far as placement

of the house, you've covered at length, and we do keep the, as prescribed setbacks, the footprint that we have available on that property is essentially a sliver, about 12 foot in depth, from street side to bluff, which is essentially would obviously render the land non-developable for the owner. And then we also addressed, Mike, was the question of the setback from the street. You know, we have come as close as we can as per the prescribed setbacks, and that's also relevant to us in terms of our septic system, distances from the adjacent wells and septic systems, adjacent properties as well. So we felt limited in pushing in that direction that that did not seem feasible either. So the design of the house, in that sense, coming from those parameters, we have taken it to where it is now instead of, as Mike stated, the foundation itself does not, is not as large as the overall perimeter or footprint from the bottom of the total house of the second floor, and so it does setback in order to kind of help mitigate that distance as well.

TRUSTEE KRUPSKI: Thank you.

MR. KIMACK: I'm glad you pointed out the fact that 100 feet makes it 12 feet wide, and that's all we have to work with, primarily, in order to be conformance with it we had a 12-foot line between the 40-foot setback from the top of the bluff.

TRUSTEE KRUPSKI: So one thing I'm not clear about is you say you are 40 feet back, I guess from Salt Marsh Lane? But I'm having trouble --

MR. KIMACK: No, from the property line.

TRUSTEE KRUPSKI: From the property line. Okay. So as you are speaking to, there is property, is there additional property on that right-of-way that you have to --

MR. KIMACK: No, that's over by Peconic. I believe this is the right-of-way across Peconic Lane

TRUSTEE GOLDSMITH: The plans stamped received September 9th, 2021, that shows the 40-foot setback, it almost shows to a line of the existing overhead wires, and then it looks like there is a big distance between that and what constitutes Salt Marsh Lane.

MR. KIMACK: The overhead wires are drawn along that line from the pole going, but it's the property line, you can see the monument point on the south.

TRUSTEE KRUPSKI: So you are proposing some of their driveway to be on this -- this is the monument you are saying here, right?

MR. KIMACK: Yes.

TRUSTEE KRUPSKI: And this is the property line. So all of this applies for here.

MR. KIMACK: That's part of the right-of-way.

TRUSTEE KRUPSKI: Okay.

MR. KIMACK: It's a little confusing. When you drove in, it was all grass. It looks like it became part of the property. But it isn't. It's just the driveway, it's the right-of-way coming in. And off to that side, if you saw the power pole, which is sitting right here, that's where the property line is,

primarily. It looks confusing because it looks like the property line is on the other side, but it's not. I wish it was.

TRUSTEE KRUPSKI: Right. 20 feet would be pretty helpful.

MR. KIMACK: Yes, so we start with the first 40 and then come back and try to set the house, the hundred feet represents about a 12 foot distance between the 40 foot and that. That's what will started to work with.

TRUSTEE KRUPSKI: Okay.

TRUSTEE GOLDSMITH: Obviously one of our concerns is the existing distance between the house and the bluff is only going to get shorter as time progresses with the erosion.

MR. KIMACK: I think that, I can't speak totally for the homeowner. I can in a sense. The reality of the situation that she bought a piece of property that may be vulnerable to the recession of the top of the bluff even further and that for her to protect her investment, if you allow to her to proceed with the house, because I still have to go back to the Zoning Board with this one, would be to engage to try to basically stabilize that slope, basically, with some kind of hardening of the base, and also re-planting of it. That is something that is going to ultimately have to occur. It was not something that originally started that way, but I'm not even sure if it's going westerly also into Blue Horizon bluffs area. The same erosion is happening there also.

TRUSTEE KRUPSKI: Can you just confirm for me that I'm seeing this correctly. Is there a pool on the roof?

MR. KIMACK: Victor?

MR. RUIZ: Yes, that is an intended amenity as well.

MR. KIMACK: He couldn't put it anyplace else.

MR. RUIZ: Exactly.

MR. KIMACK: I think they tried to self-contain everything. There is no other place on the property to put a pool that would have been satisfactorily to anybody. It would have to be more seaward of the house and that would cut back the distance even further and not be acceptable to the Board.

TRUSTEE GILLOOLY: Have you looked into a variance to get it closer to the road?

MR. KIMACK: The property is not owned. It's Peconic Trust.

TRUSTEE GILLOOLY: Well, there is still property owned that you could bring it closer to and apply for a variance, yes?

MR. KIMACK: In essence, I didn't look at it, in a sense. You saw the road coming in, it services what, about seven, eight, nine houses up through there. It's certainly in need of regrading. And the only reason it stops at the last house there is because it was always a vacant lot, so the road itself was not improved for the extra 20 or 30 feet to get into the property.

I didn't look into the fact that where the right-of-way, who owns the road, basically, who is responsible for the update of the road, all the way in. I don't know whether or not that is Peconic or whatever. But in order to do this, we have to basically buy that portion.



TRUSTEE GILLOOLY: Well, you have 40 feet there, right? 40 feet. So could you apply to bring that closer within the 40 feet. So 20 feet back, you would need a variance to --

MR. KIMACK: No, you mean, my setbacks from the property line, I would have to move the property line in order to be in conformance with the setbacks. It can't be on a right-of-way. It would have to be on a lot line change.

TRUSTEE KRUPSKI: I think what, I don't think we are asking necessarily for you to move the property line. But if you could get a variance to bring the house, I mean I'm fairly certain ZBA, who we have been in discussion with in the Blue Horizon and Salt Marsh Lane bluff area would be, and I speak for them, but they will look at this differently than other structures in town, because they recognize the problem. I know they have done site visits for a house. I don't know, for say four or five houses on the west. There is a real problem here. I have had multiple discussions with the ZBA on this location.

So I think what Trustee Gillooly is asking, it might be better to go to ZBA on this and try to get a little relief. I mean we are talking, you know, anything would be better than what it is now.

One thing I wanted to say is that I have been going to this area for roughly six years now, at least with the Trustees, and we have seen 20 to 25 plus feet of erosion. If you do the math to get to your elevated terrace, you know, you are looking, says, oh, we are going to do the toe of the bluff next. It's astounding that you would want to invest in a property and not start with protecting the property. I have trouble comprehending that. And no one has done it yet. I will say that, too. But the most recent new builds that we did approve in this area, which is three properties over, is 135 feet to the nearest -- to the bluff.

MR. KIMACK: Is that to the west?

TRUSTEE KRUPSKI: Yes.

MR. KIMACK: In the Blue Horizon --

TRUSTEE KRUPSKI: Yes. So that's 135 feet away.

MR. KIMACK: Their lots are a lot deeper.

TRUSTEE KRUPSKI: They are deeper. I recognize that and I think this Board recognizes that. Speaking as one Trustee, for me, this is just, because of everything I mentioned, this is just a little too close. I'm not here to design the project. I don't know if it means getting a variance, I don't know if means reducing the width or depth of the house, but personally this is a little bit too close for me, for my comfort.

MR. KIMACK: Well, let's explore that. Obviously I have the opportunity to do it at this particular time. Without getting into moving the lot line on the bottom, what you are suggesting is two alternatives. One is to go back to the Zoning Board. I've already got that application before them, primarily, and if what you are suggesting is to move the house back, I mean there is a possibility -- and Victor, are you still on?

MR. RUIZ: Yes, I'm on.

MR. KIMACK: I mean we still have to preserve enough room in the front to get the septic system in there. I mean, I need ten, I need five from the property line. So if I move it say 30, as an arbitrary number, get an extra ten feet, that gives me 80 to 90 feet on both sides, essentially, like that. Ten from the house, five from the bluff, I have 15 on the inside, I could probably stretch it out. But then again, it's difficult to get because you see where the wells are, on both sides? I still have to go for a variance because I don't have the 150 feet for those wells. We are putting, we are doing away with the existing wells and putting a new proposed well up the hill, I still don't have 150 feet.

TRUSTEE KRUPSKI: Right.

MR. KIMACK: So if I move it back ten feet, I'm going to be in the situation where my LP's are going to be less than 100 feet because I have to stretch them out as opposed to, from either well. So now it becomes a Health Department issue. But I have to go for variance anyway.

TRUSTEE GOLDSMITH: If you are going for variance anyway --

MR. KIMACK: It may not make that much of a difference either way. But a variance is a variance is a variance, it all depends on the plume and the engineers report. Which I have done before. And then basically in that particular case, I mean you are looking for at least ten feet?

TRUSTEE KRUPSKI: I think the number in my head is 80 feet from the top of the bluff to any structure.

MR. KIMACK: Well, do you discount the second floor?

TRUSTEE KRUPSKI: I don't know if, I mean that is not something that is in front of us that we can make a determination on right now.

MR. KIMACK: Because we've got 80 feet now on the one corner and we've got 70 on the other corner.

TRUSTEE KRUPSKI: I think the issue for me is everything. I mean, if you are talking about --

MR. KIMACK: I can't move it 15. That doesn't give me enough space to set the septic system.

TRUSTEE GOLDSMITH: If you have the current 70 on the one corner and 80 feet at the other, I think --

MR. KIMACK: That's the foundation.

TRUSTEE GOLDSMITH: Yes. So if you get the foundation no closer than 80 feet, it might be a little more acceptable to me, at least. If you are going for a variance anyway.

MR. KIMACK: If we pull the house back the way it was, then we would make the one corner 80 feet and the other at 90.

TRUSTEE GOLDSMITH: Sounds a lot better than 70 and 80.

MR. KIMACK: That would leave me 30 and we would have to adjust the septic system in there, primarily. But you are right, I would have to -- what we can do, perhaps, let me make a suggestion, because I'm before the Board here. I would like to discuss this with my client and make the recommendation perhaps

to come back to you with a revised drawing. Because I think the Board is look for you to make your decision first. I would rather go back to the Zoning Board with the Trustees decision and moving it back ten feet because it makes a stronger case to get the variance than to go to them without the Trustee approval. Because they sent me here. I went to Zoning Board first. They sent to me to the Trustees to get your stamp on this. What you are saying is you would like it back ten and you'll put me into a variance situation. I would like to be able to go with the force of the Trustees permit and go back to the Zoning Board to make that argument as to why we are now asking for a variance.

TRUSTEE KRUPSKI: We certainly don't want to send people ping ponging back and forth between different agencies.

MR. KIMACK: So if I could ask to table it and then give us the opportunity to look after it and revise it and take into consideration the ten foot, move things around, and then -- but I would rather stay here and resolve it here and take that approval, whatever we can agree to, and take it back to the Zoning Board. It puts me in a much better position than to go back with nothing and they are going to, they sent me here in the first place.

TRUSTEE KRUPSKI: I understand. So I strongly suggest, this is just one Trustee, that all structures are back 80 feet, regardless of design or structure, but that is just one Trustee's opinion.

Is there anyone else here that wishes to speak to this application or any further comments from members of the Board? (Negative response).

Hearing none, I make a motion to table this application for submission of new plans.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

MR. KIMACK: Thank you, have a good evening.

TRUSTEE GOLDSMITH: Number 15, Raymond Nemschick, AIA on behalf of **ROGER SIEJKA** requests a Wetland Permit to construct a two-story, single-family dwelling with a basement; first floor is 24'5" wide by 50'0" deep; front porch is 11'0" wide, 6'2" deep; rear veranda (deck) is 24'5" wide by 10' deep; and overall max height is 32'3".

Located: 955 Blossom Bend, Mattituck. SCTM# 1000-115-6-22

The LWRP found this to be consistent.

The Conservation Advisory Council does not support the application because of the proposed setbacks are not in compliance with Chapter 275 of the Town Code. The proposed dwelling should be set back at least 100 feet from the wetland boundary. The requirement of an IA system and impervious driveway.

The Trustees most recently conducted a field inspection

February 8th, 2021, noting the need for an IA system, noting a need for extensive non-disturbance buffer, questioning the DEC permit. In further review at work session also discussed pervious driveway, as well as concerns about the setback from the wetland line.

Is there anyone here wishing to speak regarding this application?

MR. NEMSCHICK: Ray Nemschick, on behalf of the application, here to answer any questions the Board may have.

We do have a DEC permit contingent on the Trustees. We also have a Health Department permit in place. So I'm here to answer any questions you may have.

TRUSTEE GOLDSMITH: With the Health Department, it was for traditional septic?

MR. NEMSCHICK: It was. When we applied, it was traditional septic.

TRUSTEE GOLDSMITH: Okay, item number one, we want that be IA, regardless.

MR. NEMSCHICK: Okay.

TRUSTEE GOLDSMITH: Another issue, looks like an asphalt driveway, so we'll want to see that changed, at a minimum. And the distances from the wetlands. And we also have some concerns -- have you been to the Building Department or ZBA on this as of yet?

MR. NEMSCHICK: Well, the ZBA is not required. We are not breaking any setbacks for the ZBA. And for the Building Department we go to at the end, when are ready. So there is no reason to go to, building codes, we are not, we are not breaking any zoning codes.

TRUSTEE GOLDSMITH: You don't need to go to building for building new house?

MR. NEMSCHICK: After we get everything else set, we go to get a building permit.

TRUSTEE GOLDSMITH: Because this is necessarily more of a building issue than us, but it looks like it's out, some of the structure is outside of the buildable area as submitted on these plans.

MR. NEMSCHICK: No, it's 15-foot side yard, 50-foot front yard. We are inside the buildable area.

TRUSTEE GOLDSMITH: The plans stamped received December 27th, 2021, it shows the buildable area in those two lines, it looks like that structure falls outside of those two lines.

MR. NEMSCHICK: Right, we are still maintaining the 15-foot side yard and 50-foot front yard.

TRUSTEE KRUPSKI: There are steps within the 15 feet.

MR. NEMSCHICK: Well, steps are permitted inside of setback.

TRUSTEE KRUPSKI: I think we would need maybe a letter of clarification from the ZBA on that. Because we are trying to avoid, as discussed, actually, with the prior application, people ping ponging back and forth between different departments in the town. So I think added to that list of some of the

Trustees issues, would be just some sort of a clarification from ZBA on that just to avoid a conflict down the road, and then you are coming back to us as a new design.

MR. NEMSCHICK: So, just like the last applicant, I mean, is that contingent upon the Trustees making a decision or a rule today, as far as the Zoning Board could still say we would have to go to Zoning. I understand what you are saying to me, but if we go back to Zoning and back to Trustees -- the DEC made the Trustees condition on their permit.

MS. HULSE: The point is, though, if I could speak, the fact that you have not applied for a Building permit, you are making a representation you are not sure to be true, because if you get disapproval, you still have to go to the ZBA. So the difference between you and the last applicant, which is not really relevant to this hearing is that he is in front of the ZBA. He has an open ZBA application. So in order for you to not have something where you are going to end up having to go back and forth multiple times, it would be beneficial and recommended that you apply for a building permit and if you are in fact as you say not in violation of any zoning, then you'll get an approval. A building permit approval.

MR. NEMSCHICK: Then can I come back to Trustees again?

MS. HULSE: You'll be here. Pending.

TRUSTEE KRUPSKI: Right, it would be pending.

MR. NEMSCHICK: Okay, that's fine. So if we stay pending with you guys and come back.

TRUSTEE GOLDSMITH: Yup. So we can table it.

MR. NEMSCHICK: Okay, understood.

TRUSTEE KRUPSKI: Another sort of things, while we are reviewing, to kind of avoid, you know, back and forth, that when you do eventually come back before us, that this property is definitely a little complicated. I respect the fact that you and the applicant submitted an application that does attempt to mitigate some environmental concerns. I would say for myself, personally, on a future set of plans, I would need to see a sizeable non-disturbance buffer, because basically in the entire property currently is a non-disturbance buffer for the adjacent property, where there is a house, so something like this would have to be pretty sizeable, bordering on the line of making the whole property sort of just an environmentally-protected area minus the buildable area. And then obviously no filling or grading on the property. It would have to remain natural.

MR. NEMSCHICK: Can you clarify? When you say "sizeable buffer", that is a little ambiguous. I mean, can you give me a dimension? Right now we are 75 feet back.

TRUSTEE KRUPSKI: You are 75 feet back.

MR. NEMSCHICK: Right, and I understand you want a non-disturbance buffer in there, but, I mean, how far are we asking for a non-disturbance buffer at this point?

TRUSTEE KRUPSKI: I don't have a set number.

MR. NEMSCHICK: It would help me.

TRUSTEE KRUPSKI: Understandable.

TRUSTEE GOLDSMITH: Because that whole area basically like slopes town to the freshwater wetland, so the last thing we would want to see is what is now exclusive native vegetation to be ripped up and fertilized lawn be put down in its place.

MR. NEMSCHICK: I understand completely. But we still have a buildable lot, is what I'm trying to get at.

TRUSTEE GOLDSMITH: Yes. So I think what Trustee Krupski was alluding to, a buildable lot is a buildable lot. You know you have to disturb it to essentially construct a house, however the remainder of that property, which is currently 100% natural, we want to see that remain natural as much as possible.

TRUSTEE GILLOOLY: Just to be clear, you are seeking relief from our Town Code which requires 100 foot setback from any wetlands for any structures. So you are seeking relief from that code for a new structure on a lot that has never been built. So asking for a large non-disturbance area I think is the minimum.

MR. NEMSCHICK: I understand. We are certainly seeking, I'm just trying to get clarification on the non-disturbance buffer. But at a certain point, obviously we are going to disturb a certain portion of the site, and if that disturbance becomes, from what I'm hearing, the actual site itself, and everything else stays non-disturbed, that is kind the direction we are looking at.

TRUSTEE KRUPSKI: Yes.

MR. NEMSCHICK: Understood. Thank you, for the clarification.

TRUSTEE GOLDSMITH: Anyone else here wish to speak to this application?

(No response).

Any questions or comments from the Board?

(Negative response).

Hearing no further comments, I'll make a motion to table this application to get some clarification from the building Department and ZBA, for you to apply to those two.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 16, AMP Architecture on behalf of **LISA & DAVID CIFARELLI** requests a Wetland Permit to demolish existing two-story dwelling with full basement with the existing full basement and first floor structural members to remain (1,850sq.ft.); existing 1,850sq.ft. first floor to be removed and rebuilt; construct proposed additions to the first floor consisting of a 2'x6.1' (12sq.ft.) addition, a 14.1'x13.0' (96sq.ft.) Addition, a 7.5'x12' (90sq.ft.) addition, a 4'x16.3' (66sq.ft. Addition), a 17'x34' (545sq.ft.) addition and a 3.4'x11.5' (39sq.ft.) addition for a total of 848sq.ft. of additions to first floor; remove existing 1,140sq.ft. second floor and roof; construct a proposed 27.7'x59.2' (1,575sq.ft.) second floor with an 18.5'x31.1' (387sq.ft.) second story deck; proposed exterior staircase to second story deck attached to

side of dwelling; proposed concrete stairwell to basement from exterior; the two (2) existing sheds are to be removed and existing masonry patio at grade is to be removed; abandon or remove existing traditional sanitary system and install a new I/A OWTS system; install gutters to leaders to drywells to dwelling to contain roof runoff; install and perpetually maintain a 10' wide sand non-turf buffer along the landward side of existing bulkhead; for the as-built 2.8'x9.8' (27sq.ft.) fire pit; as-built 5.9'x27.1' (155sq.ft.) wood deck at grade; as-built 3.1'x6.1' (19sq.ft.) hot tub; as built 1.7'x8.9' (15sq.ft.) each pervious stone walls; and as-built flagpole and stone wall.

Located: 2672 Great Peconic Bay Boulevard, Laurel.  
SCTM# 1000-128-6-13.3

The Trustees most recently reviewed this application on the 8th of February and noted we need to review the new plans further at work session. The initial report on the 11th of January noted that the seaward bump out would not fit within the guidelines of what the Trustees typically approve.

I am in receipt of new plans dated stamped received February 4th, 2022, showing no seaward bump out. I am also in receipt of a revised project description which specifically just changes some of the dimensions for the existing structure.

The LWRP coordinator found this to be inconsistent, due to the addition being located further seaward than the existing structure, less than the required 100 feet of Chapter 275.

And the Conservation Advisory Council supports the application with non-turf buffer planted with native vegetation and drainage for the hot tub, and all construction to be landward of the existing structure.

Is there anyone here wishing to speak regarding this application?

MS. CANTRELL: Anthony Portillo is present. Anthony, if you want to un-mute yourself and speak to the Board. I also have to ask you a question. If you noticed in the past, I have to ask you do you consent to conducting this public hearing virtually on line via Zoom?

MR. PORTILLO: Yes, I do consent. Good evening, Board, thank you for having me. I just wanted to state that, as you said, Trustee Krupski, that we did revise the drawings, and if there are any questions, I'm here to answer.

TRUSTEE KRUPSKI: Thank you.

Is there anyone else that wishes to speak regarding this application? Or any additional comments from the Board? (Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the new plans and project description stamped received

February 4th, 2022, depicting the new dimensions of the house, showing no seaward extension, thereby bringing it into consistency with the LWRP coordinator.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 17, AMP Architecture on behalf of **9450 MAIN BAYVIEW, LLC** requests a Wetland Permit to construct a proposed two-story dwelling with full basement consisting of a proposed 20'x41' (820sq.ft.) two-story area and a 18'x18' (324sq.ft.) one-story area; a proposed 4'x17.8' (70.8sq.ft.) front covered porch; a proposed 6.2'x21.0' (88sq.ft.) front covered patio; a proposed 5'x29' (145sq.ft.) second story balcony; a proposed basement window well and concrete entry stair; install a new I/A OWTS landward of dwelling; install an 810sq.ft. pervious driveway; install a proposed 15'6"x29' (450sq.ft.) pervious patio at grade against the seaward side of dwelling; install gutters to leaders to two (2) 8'x4' deep drywells to contain roof runoff; install one (1) 1,000 gallon propane tank buried at front of property; install new buried utility connections at front and side of property; proposed re-grading at perimeter of proposed rear of dwelling consisting of approximately 8,865 cubic feet of earth to be removed for construction excavation, the majority to remain at site for backfill and 2,300 cubic feet to be used for proposed regrading. Located: 9450 Main Bayview Road, Southold. SCTM# 1000-87-5-22

The LWRP found this to be inconsistent. The inconsistencies are verify how the lot was created. Ground water is high elevation 4.5 feet below grade and the basement should be reconsidered. Seasonal and storm surge flooding is expected. Setback to wetland should be maximized to the greatest extent practicable. Establish and maximize vegetated buffers landward of wetlands.

The Conservation Advisory Council could not make a recommendation at this time as the property was not properly staked and labeled. According to the site plan proposed structures do not meet setbacks in accordance with Chapter 275.

Trustees conducted a field inspection February 8th, 2022. Notes say proposed dwelling very close to freshwater wetlands. DEC oversight is recommended. Would benefit from significant non-disturbance buffer as well as we had significant concerns regarding the setback of the proposed structure to the wetlands.

Is there anyone here wishing to speak regarding this application?

TRUSTEE PEEPLES: Please state your name for the record.

MS. KIRSCH: Hello. Mary Kirsch, and I am the property owner adjacent to the 9450 Main Bayview Road, and I just want to say, first of all, that the building package, I think you just mentioned, is pretty much in the middle of the fresh water buffer that you need to have that, you suggest 100 feet. They don't have 75 feet. They barely make 50 feet. So that was a



big concern of mine. And, um, the water table, those ponds, I mean it doesn't look like much is going on, but during certain times of the year, they go up, they go down. I don't know if it's connected to like tributaries or the creek, but they vary like all the time. And, um, especially nor'easters, high tides, full moons, et cetera.

The property if they clear that property above the pond, which they are going to have to do, that is going to take away the vegetation, and it will be more saturated there. And the excavation that they are suggesting, it just seems like it will tear up that whole piece of property, in front of the pond, and even where they suggest to put the septic. It's all a really sensitive lot, and there's two other lots above them that's equally, they are all connected, those ponds.

So, um, yes, and constructing a basement, I don't know, they are going to have black mold going up their wall. It won't be a good thing.

But anyway, and then they suggest to put a, make a grade, they'll make it higher, and I mean, after a few storms that will just end up going right into the pond. And the pond, it's alive and well. It starts April 15th, the tree frogs show up, and the turtle that is laying eggs in my compost in the back. I seen salamanders, snakes. I mean it's really amazing. Besides the, you know, screech owl and the hawk and everything else that is going over there. So it really does, it's concerning.

They can't meet the setback for the front yard from the Zoning Board. They seem like they are not making the hundred foot setback from the pond, and the DEC they don't have involved, but they would not be able to meet that as well, because they don't have the footage in front of the pond. So if you can't comply with any of these agencies, how can it be a buildable lot. That is what I just really wanted to say.

TRUSTEE GOLDSMITH: Thank you, ma'am. Appreciate it.

Anyone else here wishing to speak regarding this application? (No response).

If we could, the applicant is actually on. Maybe he can address some of the issues.

MS. CANTRELL: Anthony, if you would like to speak to the Board, before you do, I again have to ask you this question for each new application. Do you consent to conducting the public hearing virtually via Zoom?

MR. PORTILLO: Yes, I do. Thank you.

In regard to DEC, we have filed an application with DEC. We did receive comments back. Pretty minor. Normally for fresh water wetlands, they are holding a 50-foot buffer or setback. That is pretty common. Commonly approved by DEC, at least in my experience. I think we will receive DEC approval, based on, like I said, the comments we did receive were minor, we have responded back to them. And currently just waiting, you know, for their response back.

Freshwater right now is a little bit behind. Tidal zone is

a little quicker. In regard to the basement and water level, I mean that is something I'll look into and consider, and obviously we are not looking to have a wet basement. We are not looking to pump out water. That could be something that, if we decide to have a basement, we could elevate further.

I mean, in all honesty, we are fine having, you know, a buffer up to the house. We are not looking to cause any, you know, the least amount of interruption to the property. I mean we are proposing the IA system to be toward the front of the property.

One thing to notice, if you look at the survey, I mean it is a pretty steep lot and we are pretty high up on the lot. I mean, if it was a tidal wetland in regard to DEC, we would be able to file for non-jurisdiction because of the grade height. Obviously on the freshwater, that's not the case.

Based on my site visits, I want to state, I mean, the pond has been pretty dry. I'm not saying it doesn't have vegetation around and living creatures, but, you know, it's more of a watering hole. And, you know, we did go to Zoning originally. They asked us to go to the Trustees for your basically, your call on this or what your comments would be.

One of their comments, which we did remove, was a proposed carport in the front of the building. And, you know, it's pretty common, Main Bayview Road, that homes are pretty close, just commonly down that road. So I mean, I think that when we go back to Zoning, we should not have a problem getting the variance for the front yard. Obviously I can't put words in their mouth, but their biggest concern was the covered parking space, that we removed, and we are just trying to get the house essentially built. Which, you know, I think we sort of tucked it in here the right way, in my opinion. We do have a lot of different things going on here. But it is a single and separate lot so I don't think it's, I mean in regard to your opinion, the Board's opinion, but I don't think it's an un-buildable lot.

I think I covered most of the questions, but if there is more, obviously I'm here.

TRUSTEE GOLDSMITH: There are a lot of questions. One of which, it looks like there is proposed fill seaward of the house, toward the freshwater wetland. Can you comment on that?

MR. PORTILLO: Um, well, I think just it's a little bit of a slope, if you look at the topo. We were trying to get that grade to be up so that we could have, you know, have that area where the patio is. Um, again, I mean, there is, if these things are something that the Trustees are against, I mean we can just keep the natural slope and build the foundation from there. You know, just again, we were trying to get some outdoor space. That's again, within that kind of setback on that 52.5 foot corner, we were trying to create a patio on grade.

TRUSTEE GOLDSMITH: There is also drywells proposed between the patio and the pond. Can you comment on that?

MR. PORTILLO: That's the proposed retainment for the home to

catch the rainwater. We can reconsider putting those in the front yard. I think we have room based on, maybe that location was not the best, now that I'm looking at it. But we can definitely, there is room in the front yard to put the drywells in. But we are proposing to basically catch the rainwater.

TRUSTEE GOLDSMITH: Okay, so hopefully, as you heard, we do have a number of concerns on this property. As far as the fill, as far as the distance, as far as the pretty much everything. This is a very tough project with a limited distance to work with. I don't know if DEC, I can't speak for them, but 50 feet sounds a little light, in my opinion. I think the DEC may weigh in with a lot more restrictions than just 50 feet. As well as I believe you said you were going to go back to the ZBA. I'm sorry, I can't really tell on the plans if that's 30 foot setback from the road or if that says 50?

MR. PORTILLO: It's 30.

TRUSTEE GOLDSMITH: Okay, in either respect, I think that is probably step number one is try to get some relief to move whatever proposed structure further toward the road. You know, the patio and everything, as it exists, you know, I don't think, that's not even a starter for us, or for me, at least. The fill will not happen. You know, drywells between, closest to the pond, that is another contentious issue as well. So we have a lot of work to do on this proposed project.

So I'll ask if anybody else has comments, but I think it would be best to table this to re-work what you proposed to potentially go to the ZBA to get some additional relief.

But I'll open it up to any other questions or comments. I believe there was another person in the audience.

MR. PASSANANT: Good evening, My name is Tom Passanant and I reside in the property next to the proposal with Mary, and I just too wanted to go on the record to oppose the proposal. Not just because I live there. If it was a buildable, I heard that term a lot tonight, I would not object at all. But I see with my own eyes, I'm a registered nurse, I'm not a specialist in any of these things, but just looking out the window, I thank you, Mr. Goldsmith, for everything you said. I think you seen it in your field survey what I see every day. And that pond to me, I could talk about the 30 feet versus the 50 feet in the front, which does effect the integrity of the neighborhood. I'm sure those laws were put into effect because of that symmetry to the neighborhood, to Bayview. But the back side is, that's my biggest concern. You know, Mary mentioned the tree frogs. I call them peepers. When you come in in April, they are so loud. It's a beautiful sound. Like a springtime sound. I seen wood ducks in there, I seen mallards. There have been frog eggs laid in our yard. I can't see how that area would not be grossly disturbed by the proposed -- tonight was of the first time I saw about the 8,000 cubic feet of fill being transferred I guess in the back side of the house, and the effect that would have. There is few of these ponds left. I would love to see it stay.

But I would welcome Mr. Marra, if this was a buildable home, a buildable lot, he would be my neighbor.

So I appreciate what you said, Mr. Goldsmith, and I hope you'll take all the pretty significant objections to building a home here, and I hope you'll take all those things into consideration.

TRUSTEE GOLDSMITH: Thank you, sir. For the record, when we did do the field inspection there was a nice bull frog hanging out on the ice on the pond, so we did witness it first hand when we were out there.

MR. PASSANANT: I lived there for seven years, there is always water there. It never dries up. Thank you.

TRUSTEE GOLDSMITH: Anyone else here wishing to speak to this application?

MR. PORTILLO: Just, sorry, if I could further comment. In regard to requesting relief from Zoning, I'd much rather try to work this out before I go back to Zoning because they actually asked me to come here. They were not really looking to provide any relief until there was some Trustees input. So I took all the notes and I understand what the Board is saying.

Um, one other statement, I mean, this is not the only, the neighboring property, which is not on the survey, but you can see that they are just as close to this freshwater wetland where we are requesting.

TRUSTEE GOLDSMITH: Mr. Portillo, just --

MR. PORTILLO: I'm just stating a fact.

TRUSTEE GOLDSMITH: Yes. That application was not in front of this Board, so we did not have say over that.

MR. PORTILLO: Sure, I'm just stating the facts.

The other thing, like I said, is if the Board would allow me to revisit this with the owner, um, we can rethink about this design. And then the other thing is I can sort of do a little more research on Main Bayview in regard to, you know, what would probably be accepted, you know, obviously I don't know this, but without going back to the Zoning Board then if I do get acceptance from the Trustees then I'll go back to Zoning and I'll have to get my relief up in the front yard or I'll have to hold the rear yard and work my front yard out, but then whatever the case may be.

So, I mean that's just, I don't know if it makes sense to go back to them because they asked me to come to you. So I'm just putting that out there.

TRUSTEE GOLDSMITH: Thank you.

MR. PORTILLO: So thank you.

TRUSTEE KRUPSKI: I just want to make one other comment that I don't believe I heard earlier. The proposed one-story wood frame, I'm assuming it's a bedroom sticking out the back. That is one of the closer, more egregious areas, in my mind, at least. So I'm not sure, I know we mentioned the patio, and the installation of a large non-disturbance buffer, but that is one issue that perhaps that could be relocated as well.

MR. PORTILLO: Yes, as you are speaking and the Board is speaking I'm sort of in my head thinking about how this might be able to fit better with less disturbance, further away from the fresh water pond.

TRUSTEE KRUPSKI: Great.

TRUSTEE GOLDSMITH: So you have some work to do.

MR. PORTILLO: I appreciate that. Thank you.

TRUSTEE GOLDSMITH: Are there any other questions or comments?

TRUSTEE SEPENOSKI: Yes, on the plans that are before us, you have a line going across that says limits of clearing, grading and ground disturbance. And on this plan it's not measured anywhere from that freshwater wetland line. That is something we would want to see in the future. I'm not saying I would accept a line where it currently exists on the plan. I would like to see it pushed much more landward from the freshwater wetland as well. And I would also like to know from the applicant what is the depth to groundwater in this location, if that knowledge is at the tip of your fingers at the moment.

MR. PORTILLO: I don't have it, but what I can do is I can add in the test well that we completed. I'll add that on to our site plan for the next submission, if that's okay. And noted on the limits of clearing line, ground disturbance, obviously I'm going to revise that based on revising the design itself and how the building is situated on the site. So, and I'll make sure that is dimensioned for clarity on the next submission.

TRUSTEE GOLDSMITH: Thank you. Any other questions, comments?

TRUSTEE GILLOOLY: Yes, just to be clear and for consistency, I would also like to note that Town Code does limit structures to 100 feet from the wetlands, so you are here seeking relief from this Board for this application, and I want to make that clear.

MR. PORTILLO: Yes, ma'am. Thank you.

TRUSTEE GOLDSMITH: Any other comments?

(Negative response).

Hearing none, I'll make a motion to table this application for further review and for new plans.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 18, AMP Architecture on behalf of **ALBERT W. SELDEN, JR. & CHRISTIAN RASMUSSEN** requests a Wetland Permit to construct a proposed two-story dwelling with crawl space and attached two-car garage (33'3"x66'5"), 2,300sq.ft.; a proposed 713sq.ft. covered patio and deck; a proposed 12'x26' (312sq.ft.) pool; and to install a new Innovative & Alternative Wastewater Treatment system.

Located: 200 Beebe Drive, Cutchogue. SCTM# 1000-97-7-1

The Trustees most recently visited the site on the 8th of February, noting that at least a 50-foot non-disturbance buffer bordering the entire wetland line would be most appropriate. Would like to see any trees flagged for construction to be

shown. The trees that will be removed. And we opted to review the rest of the driveway and patios at work session.

I'll also mention after the inspection wherein the office is in receipt of plans dated stamped received February 11th, 2022, that show a second story bump out.

The LWRP coordinator found this to be consistent, but noted that it is recommended that the limit of clearing, grading and ground disturbance lines to be relocated to the 100-foot setback line on the south of parcel. Note that groundwater levels are expected to be high in this area and seasonally fluctuate.

The Conservation Advisory Council resolved to not support the application. The Conservation Advisory Council does support the application. The proposed project was not staked and the property is within a flood zone.

Is there anyone here that wishes to speak regarding this application?

MS. CANTRELL: Anthony Portillo from AMP is with us. Anthony, again, I'm sorry I have to ask you, do you consent to conducting the public hearing virtually via Zoom?

MR. PORTILLO: I do. Thank you.

So I'll just comment on the last comment in regard to the flood zone. The home and pool and development area is in Zone "X". Portions of the property are within the flood zone. But the area we are showing, the buildable lot, is not. Just to be clear. So we are not really restricted by FEMA regulations or Building code regulations since we are inside of that zone.

I'm sorry, you guys said a few things and I was just going to my next project, so I missed a couple of things. But there was a comment about a non-turf buffer, I believe?

TRUSTEE KRUPSKI: Yes. I can clarify that.

MR. PORTILLO: I apologize.

TRUSTEE KRUPSKI: No, it's no problem. I believe both the LWRP and the Trustees felt very strongly that because of the location of this property, it would be most appropriate to have at minimum a 50-foot non-disturbance buffer encompassing the whole entire wetland line.

MR. PORTILLO: Okay. And that's not a problem. We can revise that.

TRUSTEE KRUPSKI: Another question that I had, we are in receipt of these two new plans with the second-story addition. Did you get a chance to stake that in the field? Because it might be helpful to take a look, I would think, at that at some time, you know, in the near future.

MR. PORTILLO: So we, I mean we staked the building. So that second floor is cantilevered over the first floor. But I mean, I could have that staked. That was, I mean that was revised, yeah, that was revised like, and I think a couple days before we submitted it, and I wanted to get it into you guys since we were, you know, making a revision, so everything was up to date.

We have basically approval on the IA system. Their final request is to provide a DEC and local wetlands approval. So

once we have that, once we have approval then we would have, we have approval from the Health Department.

No zoning issues, as you can tell. I mean, we are within our setback limits. So I think most of the home, based on what I'm, what we are showing -- well, we are within, we are not within the hundred feet but we are pretty close to the hundred foot setback from the limit. But the property is very large, as you can see. So I mean we really tried to get it within something that was sensible. And like I said, we were sensitive to the flood zone, obviously not wanting to build in the flood zone if we don't have to. So that's kind of how we determined that, you know, siting a building in this location.

TRUSTEE KRUPSKI: One of the other things I mentioned was, because I personally would just like to go back and look at the, seeing as we need a non-disturbance buffer added to the plans, we do need to revisit the application anyway, or I would like to, anyway. I would like to see that area staked, the new bump out staked. Granted, I understand it's a cantilevered section, but just to review that in the field, I think would be nice. And then also we were looking to sort of understand how much clearing was going to go on and maybe have all the trees that were to be removed for construction to be flagged.

MR. PORTILLO: Sure. I just want to make one statement so the Board is aware. And this is why it says Lee (sic) residence on our plans and the applicant is different, so you guys understand, is they are basically in contract on buying the lot and they have, you know they are in escrow until there is acceptance on the buildable. So I guess I'm just bringing this up because I'm going to have to pass it by a few parties, probably a couple of lawyers, to go out there and do all this stuff. So I just don't, you know, I could let your office know, I just don't know what we are going to have that ready for your site visit.

TRUSTEE KRUPSKI: Okay. Where was the test hole done for the, on this site? Do you know, offhand?

MR. PORTILLO: Wait a second. Yes, you know, we usually show it on here. It might be on, yes, if you look at the bigger, like the zoomed in site plan, it's V002. It's up closer to the road. It's at elevation 7.3.

TRUSTEE KRUPSKI: Yup. All right, there it is. Okay. Are you proposing a full basement for the application?

MR. PORTILLO: No, actually it's sort of like a slab on grade, and the first floor is at that level. And then you have the second floor. And then it's a flat roof. Sorry, I mean it's a cellar, I guess. Let me rethink about this. I apologize. Yes, we are showing a cellar. But I believe my last conversation with the owners was, because we were worried about some of the, you know, had a higher water lines, that we might be able to go to more of a crawl space. But the idea is to walk straight into that home, and we are not that far off of grade on the second floor.

But I think the existing elevation -- in that area, if you

look at our elevation, you can see that it doesn't have much change in grade across the building, um, so I think it's pretty clear, even like where you take, if you look at where the test hole is taken, at the location of the home, it's about the same grade height.

TRUSTEE KRUPSKI: I guess my concern is without bringing in fill and elevating the cellar, if you were to go 8'6" down you would be a couple of feet into the water, into the groundwater.

TRUSTEE GILLOOLY: What I'm seeing is four-foot to groundwater.

MR. PORTILLO: 5.3 feet. I'm sorry. Yes, 5.3 feet is where they encountered groundwater, at elevation 7.3.

So the basement is a little bit above, and I think it's three or four risers up to the first floor. So I'll take a better look at that. I mean we are not really proposing to have much fill here. We are trying to raise it a little bit, but, like I said, it's pretty much the natural grade at the, keeping it like natural at the front of the lot there. So we are showing like 7.9.

TRUSTEE KRUPSKI: Yes, I could be wrong, but if I'm understanding it correctly, if you put in an eight-foot basement you would be roughly four feet of it would be under water.

MR. PORTILLO: Well, your basement is above grade, if you look at the elevation itself. There is a portion that will be above grade.

TRUSTEE PEEPLES: To clarify, I'm looking at drawing SD-1. I think what is a little confusing is that it says 8'6" height cellar. So this is basically showing the foundation slab. Then the first floor, excuse me, that SD-2 sits on top of.

MR. PORTILLO: That's correct. And you know, we are four risers up to the first floor. It's essentially about two feet out of ground, a little more, like 30 inches out of ground.

TRUSTEE PEEPLES: With this, I mean the way I'm interpreting, is what you are calling the first floor SD-2, is kind of the basement or the lower level of the house. And then the main level of the house is SD-3.

MR. PORTILLO: Correct.

TRUSTEE PEEPLES: So nothing is below grade. If anything it's --

MR. PORTILLO: None of the home is below grade. The cellar would be a portion below grade, I mean, off the top of my head, four feet. I don't have a section of this in front of me, but I can provide that to give a little clarity --

TRUSTEE PEEPLES: We have the elevations. I think a section may be beneficial in order to see --

MR. PORTILLO: I can kind of give clarity on the kind of grade we are proposing.

TRUSTEE GILLOOLY: On the plan it's showing elevation 2.1 foot to groundwater.

MR. PORTILLO: 2.1 is, right, where it was taken at 7.4, they encountered groundwater at 5.3. We are out of the grade, like 30 inches.

TRUSTEE KRUPSKI: There is nothing deeper than this. This is grade.



TRUSTEE PEEPLES: Right. What you are showing in SD-1 is the poured slab for the foundation. Correct?

MR. PORTILLO: Well, it's below grade by four feet, four-and-a-half feet, approximately. Like I said, I can give you guys a little more clarity on that. I'm just giving you a grade to slap it. That portion is below grade. But it's just not 8'6" below grade because the first floor comes out, you know, the cellar level comes out of ground.

TRUSTEE PEEPLES: Okay. I think you had mentioned offering a section. I think that would help clarify. Because in the comments, I now have, listening to the comments, I now have a different interpretation of the plan, so I think that would be helpful in clarifying. Thank you.

MR. PORTILLO: And I'll take a better look, maybe we need to adjust the cellar height to make sure we are outside of ground water, maybe I'll make an adjustment on the revised set that we resubmit.

TRUSTEE KRUPSKI: Okay, thank you.

MR. PORTILLO: Of course. So I'm going to try to get it done, the staking and the tree flagging, I'll try to get that done for the next site visit. For next month. But I'll just notify you guys if it doesn't happen and we'll just adjourn to the next month, I imagine.

TRUSTEE KRUPSKI: Okay.

MR. PORTILLO: Okay, thank you.

TRUSTEE KRUPSKI: Just to summarize we are looking for staking of the addition, just so we can check it out in the field; new plans showing a 50-foot non-disturbance buffer, flagging of the trees, and a new cross-section, just to give us a little bit more clarification of the structure.

MR. PORTILLO: Of course.

TRUSTEE KRUPSKI: Are there any other thoughts or comments on that?

(Negative response).

TRUSTEE SEPENOSKI: Just that this property is part of the marsh system that extends on the other side of the road as well, so it's important to get the project right to avoid damage to the area and the flooding. So I appreciate you making those changes. So if you can get those back to us as soon as you can.

MR. PORTILLO: Of course, thank you. No problem, Board.

TRUSTEE KRUPSKI: Is there anyone else here wishing to speak regarding this?

(No response).

Hearing none, I'll make a motion to table the application.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 19, AMP Architecture on behalf of **PHILIP & LIA CHASEN** requests a Wetland Permit to construct a 14'11"x23'4" (350sq.ft.) Pool house; proposed reconstructed

10.2'x28.1' deck on seaward side of dwelling; and to install and perpetually maintain a 7' wide (1,375sq.ft.) non-turf buffer along the landward edge of the top of the bank.

Located: 1585 Long Creek Drive, Southold. SCTM# 1000-55-7-3

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application with a 15-foot non-turf buffer. The plan would need a vegetation and removable/retractable stairs at the base of bluff stairs.

The Trustees conducted a field inspection February 8th, 2022, noting that to review the pier line with the neighboring structures.

We did receive new plans in the project description stamped received February 11th, 2022.

Is there anyone here who wishes to speak regarding this application?

MS. CANTRELL: We have Anthony Portillo present. And, Anthony, again, I have to ask you, do you consent to conducting the public hearing virtually via Zoom?

MR. PORTILLO: I consent. Thank you. This is the last time you'll hear from me tonight.

So there was an application, I just wanted to give a little background, there was an application from the pool, which we are not a part of and also a proposed shed in the same location as the proposed pool house. So we, our application is basically for the pool house. And then we are designing a deck, basically a rebuilt deck. There is an existing deck there. And the trellis. The trellis is actually a little smaller than the trellis that is existing, just to be clear there. And also the pool fence was revised based on just kind of how the layout of the pool house and some suggestions by me that I thought just gave them a little more room around the pool area.

I believe a seven-foot non-turf buffer was what was requested from the last Trustee approval. So that is why we indicated that. I don't think there is any issue if we need to go to a 15-foot non-turf buffer. I just assumed the seven foot was requested from the initial approval.

TRUSTEE GOLDSMITH: Can you speak to the proposed pool house at all; will there be any bathrooms or anything inside of that?

MR. PORTILLO: Yes, sir. A toilet and a sink, half bathroom. We are meeting the 350 square foot allowable for a pool house. We have filed and have received approval from the Health Department for the connection of water and sewer into the home. We are not going directly into the septic system. We are going to connect into the home and then into the waste line and into the water, which is really a cleaner job, in my opinion, because then you don't have to dig and expose all the way to the septic system. So that has not been approved currently. Approval for us to go to the Building Department would be Trustees.

TRUSTEE PEEPLES: May I ask how many bedrooms the existing residence has?

MR. PORTILLO: Um --

TRUSTEE PEEPLES: Excuse me. Bathrooms.

MR. PORTILLO: I don't know off the top of my head, to be honest with you. I want to say four, but I would maybe be making it up. I believe it's four on the second floor. I believe it's pretty much like a colonial home. So that's when I think, but I don't know.

TRUSTEE PEEPLES: So essentially, the pool house would be adding an additional load to the current system and --

MR. PORTILLO: Well, I guess in a way, yes, but systems are looked at as how many bedrooms, and we are not requesting a bedroom. This is obviously a seasonal pool house based on Southold building code. It can't be -- it's not occupiable or sleeping quarters. And it's common that we request approval from the Health Department for adding a toilet and a sink in an accessory building, but it doesn't require an upgrade in the septic system.

TRUSTEE GOLDSMITH: So I do like your part about going to a 15-foot non-turf buffer. So I think we'll need to start there with new plans that show the 15-foot as opposed to the seven-foot as proposed on your plans submitted here February 11th.

Is there anyone else here wishing to speak regarding this application?

MR. PORTILLO: If I can just make a comment there. I guess what I was stating is it sounded like LWRP might have indicated that they were requesting a 15-foot, but as I stated, I think seven-foot was what was originally approved for when they applied for the pool. I mean, again, if that's what is requested, could we approve it and have a stipulation for the 15-feet and not have to, just give you guys an updated plan, if that's the only request?

TRUSTEE GOLDSMITH: So what you are saying is that seven-foot non-turf buffer that is on these plans was previously approved under the permit for the pool?

MR. PORTILLO: Yes, I believe so. That's how we put that on. I'm pretty sure that's what was requested for the pool. I don't have that approval in front of me, but I'm just thinking back, that's where that came from. I don't think I, but again, I'm not saying the 15-foot, if that's what is being asked, we'll revise it. I'm just asking can I submit a revised plan and not essentially have to come back to a public hearing, if there are no further comments.

TRUSTEE GOLDSMITH: Unfortunately, no. It's been the policy here for a while that we need set plans in hand, that we vote on and determine based on those plans.

MR. PORTILLO: Sure, no problem.

TRUSTEE GILLOOLY: Liz, is that a ten-foot buffer showing on the approved plan?

MS. CANTRELL: I'm not entirely sure that is showing the contour, the ten-foot number. It's not a section of the buffer. Let me find the permit.

(Perusing). No conditions for a buffer with the pool plan.

TRUSTEE GOLDSMITH: All right, so since we can't find a buffer from the previous pool plan, I think we would like to stick with the 15-foot, and we'll subject it to new plans showing that 15-foot buffer.

MR. PORTILLO: Okay, sure. Thank you

TRUSTEE GOLDSMITH: And other questions or comments?

(Negative response).

Hearing none, I make a motion to table this application for submission of new plans showing a 15-foot non-turf buffer.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. PORTILLO: Have a great night, Board. Thank you.

TRUSTEE GILLOOLY: Number 20, En-Consultants on behalf of **PETER J. MALTESE & MADELINE JOYCE COVELLO** requests a Wetland Permit to remove and replace existing 10'x18' one-story detached garage with a 14'x25' one-story detached garage that will be equipped with gutters, leaders and drywells.

Located: 825 (aka 506) Bailey Avenue, Greenport. SCTM# 1000-34-4-13

The Trustees most recently visited this site on February 8th, noting that the application was straightforward.

The LWRP reviewed this and found it to be consistent.

And the Conservation Advisory Council reviewed this application and resolved to support it.

Is there anyone here wishing to speak on behalf of this application?

MR. HERRMANN: Sounds like a good start. Rob Herrmann, En-Consultants, on behalf of the applicant.

This is a pretty straightforward application. It is a demolition and removal of an existing garage and construction of a new garage in the same location. It's within the Board's jurisdiction due to an off-site wetland that is on the neighbor's property.

The existing garage is about 88 feet away from that wetland boundary, and the new is about 89 feet away.

If you have any questions, I'm happy to answer them. The project does have ZBA approval and a non-jurisdiction letter from the DEC.

TRUSTEE GILLOOLY: Thank you. Is there anyone else here wishing to speak regarding this application?

(No response).

Any comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GILLOOLY: I make a motion to approve the application as submitted.

TRUSTEE PEEPLES: Second.  
TRUSTEE GOLDSMITH: All in favor?  
(ALL AYES).

TRUSTEE GOLDSMITH: Number 21, En-Consultants on behalf of **GAYLE MARRINER-SMITH & CHRISTOPHER F. SMITH** requests a Wetland Permit to remove and replace in place existing 4'x13' fixed dock, and add a 4'x10' step-down platform to north side of dock; and to replace approximately 22 linear feet of 2-foot high landscape retaining wall along top of bluff with approximately 30 linear feet of 2 foot high landscape retaining wall.

Located: 2555 Kirkup Lane, Mattituck. SCTM# 1000-121-3-8

The LWRP found this to be consistent.

The CAC supports the application using thru-flow decking.

The Trustees conducted a field inspection February 8th, noting straightforward application.

Is there anyone here wishing to speak regarding this application?

TRUSTEE KRUPSKI: I recuse myself from this application for a prior employment relationship.

MR. HERRMANN: Thank you. Rob Herrmann of En-Consultants on behalf of the applicant. This is the replacement of a small existing fixed dock that pre-dates 1984, and with respect to the materials, the entire proposed dock structure will be comprised of untreated materials and open-grate decking. There is also a small retaining wall up near the top of the slope that will be replaced in-place and extended a little bit to match the top of the slope, which the Board saw during field inspections.

If you have any other questions about it, I'm happy to answer.

TRUSTEE GOLDSMITH: Thank you. Anyone else here wishing to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application as submitted.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 22, En-Consultants on behalf of **JALC EXPEDITIONS, LLC, c/o JOSHUA HO-WALKER & LILLIAN GOLDENTHAL, MEMBERS** requests a Wetland Permit to replace existing ±3'x±125' timber bluff stairway, including 8'x13' and 6.5'x9' decks, with a 4'x±126' timber bluff stairway, including a 4'x9' entry platform with bench at top of bluff, a 4'x6' landing with bench, a 4'x6' landing with seat, a 4'x6' landing with storage bin, a 4'x6' landing at toe of bluff, and 4'x7' steps to

beach; maintaining existing 10'x12.5' covered deck to remain; and plant/replant with native vegetation all areas of existing vegetation disturbed/lost during demolition/removal of existing stairway and construction of new stairway, including areas devoid of vegetation in location of prior stairway and decks.

Located: 1600 Hyatt Road, Southold. SCTM# 1000-50-1-6

The Trustees most recently visited this property on the 8th of February. Noted that it seemed a straightforward stair replacement. They did however question the fence in close proximity to the top of the bluff.

The LWRP coordinator found this to be inconsistent. The proposed 250 square foot deck is inconsistent with LWRP policies. Platforms associated with stairs may not be larger than 100 square feet. The platform deck exceeds 100 square feet and is located seaward of the top of the bluff. By definition, that platform deck is not permissible pursuant to 275.

The Conservation Advisory Council resolved to support the application. The Conservation Advisory Council supports the application with a ten-foot non-turf planted with native vegetation, reduction of the size of the oversized platform and removable stairs at base of the stairway.

Is there anyone here that wishes to speak regarding this application?

MR. HERRMANN: Rob Herrmann, on behalf of the applicants. Just to the LWRP comment, before I start, Nick, there was a reference to a 250 square foot deck? There is no 250 square foot deck. I'm trying to figure out where that is.

TRUSTEE KRUPSKI: I'm assuming he's speaking to the platform at the mid-point. I don't know what else it could be.

MR. HERRMANN: Just for the record, that is a actually 125 square feet. It's less than 200 square feet. But basically this entire structure predates Coastal Erosion. You can see it on the Coastal Erosion Hazard Area map. It predates the Trustees jurisdiction over Long Island Sound on the wetlands code here. We met in the field, we pointed out that basically the new stairway will go in the same location and configuration as the existing, but with some streamlining, particularly toward the top of the bluff. And with respect to the oversized decks where are several that are part of the existing structure. All of those are in fact to be removed and replaced with landings no larger than 4x6, with the exception of the existing covered deck which is to remain. So again, that is a legally pre-existing portion of the project that is not to be demolished or reconstructed. That is to remain. Everything else is going to be removed, and those larger platforms that are shown on the survey, there is a 6 1/2x9 platform lower down, and then there is a larger platform near the base of the bluff that also will be removed. So those oversized platforms are being replaced with smaller landings.

With respect to the fence, we talked about that a little bit in the field. Under prior Wetlands permit in 2007, #6533, there was a six-foot wide non-turf buffer that was required in

connection with the property at that time. That non-turf buffer is now well vegetated along with the rest of the face of the bluff, and that wire fence was installed shortly after the property was purchased. It was put in at the edge of the lawn behind those plantings, but it was put in without a permit. They did not realize you needed a Trustees permit for the wire fence. If possible, we would like to have it approved as part of this permit.

As an alternative, their intention was to really make that fence sort of temporary, in a way, as you mentioned in the field, it was a dog run and young kids. So there is a future plan to come back to replace that fence anyway, so if you are not, if you can't, if you are not inclined to approve the as-built locations as part of this application, it could be addressed at a subsequent date.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here wishing to speak regarding this application?

(Negative response).

Or any additional comments from the members of the Board?

(Negative response).

TRUSTEE KRUPSKI: Hearing no additional comments, I'll make a motion to close the hearing in this application.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the plan stamped received in the office February 11th, 2022, also stipulating that the fence near the top of the bluff be a temporary-style fence. And after receiving clarification of the deck sizes and structures, it would thereby bring this application into consistency with the LWRP coordinator.

That is my motion.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Number 23, En-Consultants on behalf of **PANTS VIEW, LLC, c/o ANTHONY BONSIGNORE, MANAGER** requests a Wetland Permit to renovate, alter, and partially reconstruct (project meets Town Code definition of demolition) existing 1 and 2-story, single family dwelling (with 1,853 sq.ft. habitable footprint), as follows: Remove existing 492 sq.ft. partially covered waterside deck (with pergola) and construct 762 sq.ft. roofed-over, wrap-around deck, at least 11 feet farther landward; reconstruct in-place approx. 226 sq.ft. portion of 2nd floor roof and 66 sq.ft. balcony over proposed roofed-over deck; reconstruct in-place 459 sq.ft. 1-story portion of dwelling; remove all existing accessory structures located seaward of top of bluff and/or within Coastal Erosion Hazard Area, including 7' x 7' spa, 137 sq.ft. deck, and 280 sq.ft. brick patio areas, and replace the spa and deck with a 186 sq.ft. sand patio (+/-15 cy); remove from landward side of dwelling existing 56 sq.ft.

1st floor front entry and 145 sq.ft. covered porch; construct on landward side of dwelling a 274 sq.ft. grade-level masonry patio; construct on landward side of dwelling a 1,005 sq.ft. grade-level masonry pool patio in place of existing 1,454 sq.ft. patio; install new pervious gravel driveway in place of existing driveway; replace existing fencing with new 4' high pool-enclosure fencing; replace existing conventional septic system with new I/A sanitary system; and install stormwater drainage system.

Located: 2022 Hyatt Road, Southold. SCTM# 1000-50-1-21

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application.

Trustees conducted a field inspection February 8th, noting the natural buffer on seaward side of house. We did receive new plans stamped received February 12th, 2022, that state all ground surface area situated seaward of the proposed porch shall be maintained as a non-turf buffer.

Is there anyone here who wishes to speak regarding this application?

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants, on behalf of the applicant.

Just a quick review of the application. This is really a drawback of the existing structures that are there. But due to parts of the existing dwelling being either partially or completely demolished, this is a demolition that is in front of you, pursuant to Town code, the definition thereof.

We did recently get ZBA approval. The project is outside the jurisdiction of the DEC.

Just to run you through it quickly, there is a partial reconstruction of the second-floor roof and balcony. There is a demolition and reconstruction of the one-story part the house that is on the landward side of the house. There is a demolition and removal of the existing 492 square foot partially covered waterside deck. And then there is substantial renovation to the two-story portion of the dwelling, but that portion of the dwelling is not to be in fact demolished, but the cumulative result is the project meets a Town-defined demo, which is why it's characterized that way on the project description. So I just wanted to be clear about that.

But the removal of that waterside deck and construction of the roofed-over wraparound porch, pulls the structural setback of the house from the bluff back 11 feet landward.

The project results in a 19% decrease in lot coverage. There is an overall 19-foot increase in bluff setback of the structures on the lot because the existing permitted hot tub and the associated deck that are currently located seaward of the top of the bluff are to be removed. All other structural surfaces within Coastal Erosion Hazard Area are to be removed. There is a storm water drainage system proposed and a new IA system proposed in place of the existing conventional septic



system. And Glenn, as you mentioned when we were at the site there was some comments that you wanted covered, the portion of the property seaward of the proposed porch would remain as non-turf buffer, and Nick had noted that some of those areas that might be left temporarily barren either through removal of the removal of the patio surfaces or removal of that privet hedge would actually be replanted with native vegetation and that the existing pathway to the beach would be vegetated in a way that it narrows the path to four feet, and that revised plan that you got has a note we wrote a note to sort of encompass all of those requests of the Board.

TRUSTEE GOLDSMITH: Thank you. Just to clarify, the existing foundation is to remain, correct?

MR. HERRMANN: That's correct. In all cases. Even the one-story part that has been demoed.

TRUSTEE GOLDSMITH: Anyone here wish to speak to this application?

(No response).

Questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the new revised plans stamped received February 14th, 2022, that address the non-turf buffer seaward of the house.

That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Number 24, En-Consultants on behalf of **ALEXANDRA FOX STERN 1997 TRUST, c/o JOLYON F. STERN, TRUSTEE** requests a Wetland Permit to construct a 1,863sq.ft. two-story, single family dwelling with attached garage in-place of existing 1,686sq.ft., 1 & 2 story dwelling, and 43sq.ft. and 134sq.ft. porches (existing dwelling foundation to remain, with structural reinforcement provided if/as needed; new foundation to be provided for portion of new dwelling constructed in place of existing porches); remove existing 89sq.ft. and 169sq.ft. second-floor decks, and resurface existing 1,184sq.ft. deck to remain; construct 427sq.ft. deck addition to landward side of existing deck with 6.3'x14' stairway to grade and 14'x20.5' pergola above; remove existing 294sq.ft. masonry patio, and construct 299sq.ft. porch addition on landward side of reconstructed dwelling with 8'x10 entry stair; remove existing septic system and install new I/A sanitary system, utilizing approximately 77 cubic yards of ratable soil to replace existing subsoils; and to install a stormwater drainage system. Located: 63165 County Road 48, Greenport. SCTM# 1000-40-1-14

The Trustees most recently visited the site on the 8th of February, noted that needs to add ten-foot non-turf buffer to the plans and written description along the bluff.

The LWRP coordinator found this to be consistent, but also asked for a non-turf buffer landward of the top of the bluff.

And the Conservation Advisory Council resolved to support the application with a vegetated non-turf buffer along the top of the bluff.

Is there anyone here that wishes to speak regarding this application?

MR. HERRMANN: Rob Herrmann, En-Consultants, on behalf of the applicant.

As we discussed in the field, this project is substantially similar to the that was approve by the Board just a few years ago in 2018 pursuant to Wetland Permit 9234. That project was not undertaken before the property was sold, so the permit was allowed to expire.

The main differences between the current project and the one the Board previously approved is that there is more substantial demolition here, and the first and second floors will be taken down to the existing foundation and reconstructed in the same footprint. But the proposed water-side second-floor balcony extension that would have moved the structure partially closer to the bluff, that was part of the last permit has been eliminated. So all of the proposed reconstruction occurs landward of the existing bluff setback to the deck around the pool.

There is a deck addition on the landward side of the house and an increase in habitable space over the existing front porches but both of those expansions occur more than 100 feet from the top of the bluff, and whereas the prior project had maintained the existing conventional septic system, this project proposes a new IA system in place of the existing.

The waterside deck and pool are to remain and in response to the Board's request for the ten-foot non-turf buffer, I just handed up to Liz our revised plans dated 2/14/22, which adds the non-turf buffer to the plans.

TRUSTEE KRUPSKI: Is there anyone else that wishes to speak regarding this application?

(No response).

Or any comments from members of the Board?

(Negative response).

Hearing no further comments, I'll make a motion to close the hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I'll make a motion to approve this application based off the submission of new plans stamped received in the office February 16th, 2022.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 25, En-Consultants on behalf of **NORTH FORK PROJECT, LLC** requests a Wetland Permit to renovate and modify existing commercial building (Old Mill Inn, originally constructed circa 1821), by raising in-place a 1,455sq.ft., 2.5 story portion of building 4.5 feet over new/modified piling foundation (with interior renovations); removing and replacing in-place 100sq.ft., one-story portion of building with 1.5 story space over new piling foundation with attached 30sq.ft. wood stoop and steps for access; removing and replacing in-place 1,310sq.ft. one-story portion of building with 388sq.ft. one-story open porch and 922sq.ft. of open wood deck and steps over new/modified piling foundation (design emulates original building footprint); removing 107sq.ft. one-story portion of building and 22sq.ft. cellar entrance; and constructing a 127sq.ft. ADA compliant access ramp; replace surface of existing 665sq.ft. wood deck to remain; remove and replace masonry walkway; upgrade existing sanitary system with I/A OWTS system; install stormwater drainage system; remove existing LP tank and fencing; and temporarily remove and replace overhead utilities. Located: 5775 Mill Road, Mattituck. SCTM# 1000-106-6-3.

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application.

The Trustees conducted a field inspection February 8th, noting it was a straightforward replacement of an historical structure.

Is there anyone here wishing to speak regarding this application?

MR. HERRMANN: Yes. Rob Herrmann of En-Consultants on behalf of the applicant/owner, who is here as well. Hopefully saving the best for last here.

The project seeks to raise the central 1,455 square foot two-story portion of the existing building on to a new piling foundation, with a reconstruction of a small one-story portion of the structure on the south side of the building.

The existing 1,310 square foot one-story portion of the building, which is currently all enclosed restaurant seating space, will be replaced in part with a 388 square-foot roofed-over open porch, and in part with a 922 square-foot uncovered deck, all within the same footprint as that existing one-story portion of the building.

As a result, the finished design returns the overall character of the building to its historic appearance, dating back to prior to 1955 when the Old Mill Road bridge was still there.

I did want to show the Board a couple of photos. I didn't get a chance to show you these out in the field. This is an historical photo of Old Mill back when the bridge still went across the creek. And I think we submitted these with the application there.

This is just a rendering of what the existing structure looks like. And then the proposed. Which you'll notice looks a lot more like it used to in terms of having the porch on the side of the building with all that additional enclosed space being removed.

And so in addition to I think what has been thus far recognized also by the ZBA as sort of cultural/historical/architectural improvements, the design also does bring some significant environmental improvements to the site, not just raising the building to flood compliant elevation, but through the upgrade of the existing septic system which is approved by the Health Department a long time ago to a low nitrogen IA sanitary system and also storm water drainage system.

If you have any questions about the project, I'm happy to answer them, and I'm sure Anthony would be happy to answer them as well. He has been at this a long time with the design and planning stage and is getting pretty anxious to get this project done in the way we hope.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak to this application?

(No response).

Any questions or comments from the Board?

(Negative response).

This is a great project to revive an historical landmark.

MR. HERRMANN: It's cool, isn't it?

TRUSTEE GILLOOLY: I appreciate all the care that's taken to make sure it's environmentally friendly as well.

TRUSTEE GOLDSMITH: Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I'll make a motion to approve this application as submitted.

TRUSTEE GILLOOLY: Second

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

TRUSTEE GOLDSMITH: Motion for adjournment.

TRUSTEE GILLOOLY: Second

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "Glenn Goldsmith".

Glenn Goldsmith, President  
Board of Trustees